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Part I

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2003.

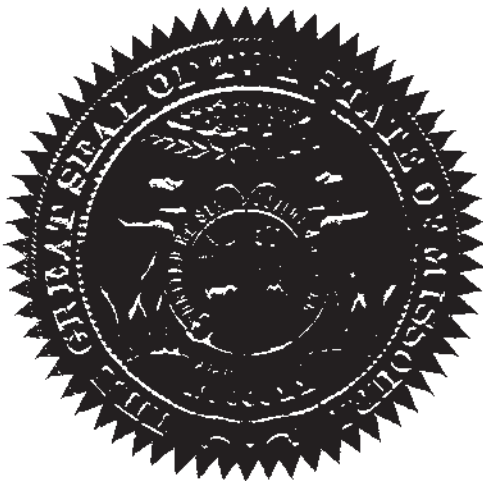
EXECUTIVE ORDER 04-26

WHEREAS, members of the Missouri National Guard serve with honor and distinction as First Sergeants for a minimum of two years and complete the First Sergeant Course; and

WHEREAS, these members demonstrated outstanding professional conduct and leadership qualities as First Sergeants; and

WHEREAS, based on the recommendation of their respective commanders as meeting the established criteria are therefore deserving of recognition for their assignments as First Sergeants;

NOW, THEREFORE, I Bob Holden, Governor of the State of Missouri, under the authority vested in me by the laws of the State of Missouri, do hereby authorize and direct the Adjutant General of Missouri to recognize Noncommissioned Officers who demonstrate proficiency in service with a First Sergeant's ribbon. The ribbon will be one-half blue and one-half green in color separated by a white band with a silver diamond centered thereon. I further authorize the Adjutant General of Missouri to procure and award this ribbon to those persons eligible through administrative procedures to be established by the Adjutant General.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 1st day of November, 2004.

A handwritten signature in cursive script that reads "Bob Holden".

Bob Holden
Governor

ATTEST:

A handwritten signature in cursive script that reads "Matt Blunt".

Matt Blunt
Secretary of State

**EXECUTIVE ORDER
04-27**

TO ALL DEPARTMENTS AND AGENCIES:

This is to advise that state offices will be closed Friday, November 26, 2004.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 1st day of November, 2004.

A handwritten signature in cursive script that reads "Bob Holden".

**Bob Holden
Governor**

ATTEST:

A handwritten signature in cursive script that reads "Matt Blunt".

**Matt Blunt
Secretary of State**

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.505 Black Bass. The commission proposes to amend section (1).

PURPOSE: This amendment removes a catch and release regulation on smallmouth bass in Big Buffalo Creek.

(1) Daily Limit: Six (6) in the aggregate, including smallmouth bass, largemouth bass, spotted bass and all black bass hybrids, except:

[(B) On Big Buffalo Creek and its tributaries down to Lake of the Ozarks (at county bridge on Zora Road, Benton County, Section 25, T41N, R20W), all smallmouth bass

must be returned to the water immediately after being caught.]

[(C)](B) The daily limit is two (2) black bass on Montrose Lake and the Elk River.

[(D)](C) On the Meramec, Big and Bourbeuse rivers and their tributaries, the daily and possession limit for black bass is twelve (12) in the aggregate and may include no more than six (6) largemouth bass and smallmouth bass in the aggregate, except that the daily limit may include no more than one (1) smallmouth bass on the Big River from Leadwood Access to its confluence with the Meramec River, the Meramec River from Scott's Ford to the railroad crossing at Bird's Nest, and Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 8, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-7.430 Pheasants: Seasons, Limits. The commission proposes to amend section (1).

PURPOSE: This amendment expands the northern hunting zone for pheasants south to Interstate 70.

(1) Male pheasants may be taken from November 1 through January 15 north of *[U.S. Highway 36 from the Kansas line to the Illinois line, and those portions of DeKalb and Buchanan counties lying south of U.S. Highway 36, and all of Platte and] Interstate 70, and also in that portion of St. Charles [counties] County lying south of Interstate 70.* Daily limit: two (2) male pheasants; possession limit: four (4) male pheasants.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 25, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 8, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W.

Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED RULE

3 CSR 10-7.438 Deer: Regulations for Department Areas

PURPOSE: This rule incorporates deer hunting on department areas into Chapter 7.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

Deer may be hunted on lands owned or leased by the department and on lands managed by the department under cooperative agreement as authorized in the annual *Fall Deer and Turkey Hunting Regulations and Information* booklet. This publication is incorporated by reference. A copy of this booklet is published by and can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. It is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 8, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The commission proposes to amend subsections (3)(C), (E) and (F).

PURPOSE: This amendment corrects reference to the Wildlife Code; removes transgenic fish from the approved species list; and corrects the scientific names of walleye and sauger.

(3) Fish, tiger salamander larvae and crayfish may be bought, sold, transported, propagated, taken and possessed by any person without permit throughout the year in any number or size and by any method providing—

(C) That person is in compliance with all provisions of [the *Wildlife Code of Missouri*] **this Code** pertaining to importation, purchase, or sale of endangered species, and importation of live fish or viable fish eggs of the family *Salmonidae*.

(E) That the privileges of this section apply only to the following:

1. Species listed in the Approved Aquatic Species List (**excluding transgenic organisms**, but including all subspecies, varieties and hybrids of the same bought, sold, transported, propagated, taken and possessed for purposes of aquaculture).

2. Species frozen or processed for sale as food products.

3. Species incapable of surviving in fresh water.

4. Species held only in aquaria, tanks or other containers having water discharged only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources.

5. Species held only in a closed system from which the escape of live organisms (including eggs, parasites and diseases) is not possible. The species to be held and the system to be used must receive prior written approval from the director.

(F) Approved Aquatic Species List.

1. Fishes.

A. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)

B. Paddlefish (*Polyodon spathula*)

C. Spotted gar (*Lepisosteus oculatus*)

D. Longnose gar (*Lepisosteus osseus*)

E. Shortnose gar (*Lepisosteus platostomus*)

F. Bowfin (*Amia calva*)

G. American eel (*Anguilla rostrata*)

H. Gizzard shad (*Dorosomacepedianum*)

I. Threadfin shad (*Dorosoma petenense*)

J. Rainbow trout (*Oncorhynchus mykiss*)

K. Golden trout (*Oncorhynchus aquabonita*)

L. Cutthroat trout (*Oncorhynchus clarkii*)

M. Brown trout (*Salmo trutta*)

N. Brook trout (*Salvelinus fontinalis*)

O. Coho salmon (*Oncorhynchus kisutch*)

P. Northern pike (*Esox lucius*)

Q. Muskellunge (*Esox masquinongy*)

R. Goldfish (*Carassius auratus*)

S. Grass carp (*Ctenopharyngodon idella*)

T. Common carp (*Cyprinus carpio*)

U. Bighead carp (*Hypophthalmichthys nobilis*)

V. Golden shiner (*Notemigonus crysoleucas*)

W. Bluntnose minnow (*Pimephales notatus*)

X. Fathead minnow (*Pimephales promelas*)

Y. River carpsucker (*Cariodes carpio*)

Z. Quillback (*Carpoides cyprinus*)

AA. White sucker (*Catostomus commersoni*)

BB. Blue sucker (*Cycleptus elongatus*)

CC. Bigmouth buffalo (*Ictiobus cyprinellus*)

DD. Black bullhead (*Ameiurus melas*)

EE. Yellow bullhead (*Ameiurus natalis*)

FF. Brown bullhead (*Ameiurus nebulosus*)

GG. Blue catfish (*Ictalurus furcatus*)

HH. Channel catfish (*Ictalurus punctatus*)

II. Flathead catfish (*Pylodictis olivaris*)

JJ. Mosquitofish (*Gambusia affinis*)

KK. White bass (*Morone chrysops*)

LL. Striped bass (*Morone saxatilis*)

MM. Green sunfish (*Lepomis cyanellus*)

NN. Pumpkinseed (*Lepomis gibbosus*)

OO. Warmouth (*Lepomis gulosus*)

PP. Orangespotted sunfish (*Lepomis humilis*)

QQ. Bluegill (*Lepomis macrochirus*)

RR. Longear sunfish (*Lepomis megalotis*)
SS. Redear sunfish (*Lepomis microlophus*)
TT. Smallmouth bass (*Micropterus dolomieu*)
UU. Spotted bass (*Micropterus punctulatus*)
VV. Largemouth bass (*Micropterus salmoides*)
WW. White crappie (*Pomoxis annularis*)
XX. Black crappie (*Pomoxis nigromaculatus*)
YY. Yellow perch (*Perca flavescens*)
ZZ. Sauger [*Stizostedion canadense*] (*Sander canadensis*)

AAA. Walleye [*Stizostedion vitreum*] (*Sander vitreus*)
BBB. Freshwater drum (*Aplodinotus grunniens*)

2. Crustaceans.

A. Freshwater prawn (*Macrobrachium rosenbergii*)
B. Northern crayfish (*Orconectes virilis*)
C. White river crayfish (*Procambarus acutus*)
D. Red swamp crayfish (*Procambarus clarkii*)
E. Papershell crayfish (*Orconectes immunis*)

3. Amphibians.

A. Tiger salamander larvae (*Ambystoma tigrinum*)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-4.110(5), (6) and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 8, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.180 Hunting, General Provisions and Seasons. The commission proposes to amend sections (3), (4), (5), (12), (14), (15) and (16).

PURPOSE: This amendment amends hunting provisions on specific conservation areas.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(3) Hunting is prohibited on public fishing access areas less than forty (40) acres in size **except for deer hunting as authorized in the annual Fall Deer and Turkey Hunting Regulations and Information booklet.** This publication is incorporated by reference. A copy of

this booklet is published by and can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. It is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

(4) Hunting is prohibited on the following department areas **except for deer hunting as authorized in the annual Fall Deer and Turkey Hunting Regulations and Information booklet:**

(O) Boone Cave Conservation Area
(P) Marguerite Bray Conservation Area
(Q) Brookfield Maintenance Center
(R) Buffalo Radio Facility
(S) Caldwell Memorial Wildlife Area
(T) Camdenton Conservation Service Center
(U) Caruthersville Rookery Conservation Area
(V) Clearwater District Headquarters
(W) Climax Springs Towersite
(X) Conservation Commission Headquarters
(Y) Conservation Research Center
(Z) Carrick W. Davidson—Robert Paris Wildlife Area
(AA) Robert G. DeLaney Lake Conservation Area
(BB) Doniphan Towersite
(CC) Drovers Prairie Conservation Area
(DD) East Central Regional Office
(EE) Engelmann Woods Natural Area
(FF) Eugene Towersite
(GG) Foxglove Conservation Area
(HH) Friendly Prairie Conservation Area
(II) Gay Feather Prairie Conservation Area
(JJ) Grandpa Chipley's Conservation Area
(KK) Gravois Mills Access
(LL) Ronald and Maude Hartell Conservation Area
(MM) James R. Harter Conservation Area
(NN) Ruth and Paul Henning Conservation Area
(OO) Hickory Canyons Natural Area
(PP) Houston Forestry Office
(QQ) Hurley Radio Facility
(RR) Hurricane Deck Towersite
(SS) Jefferson City Radio Facility
(TT) Joplin Towersite
(UU) Juden Creek Conservation Area
(VV) LaPetite Gemme Prairie Conservation Area
(WW) Lebanon Forestry Office
(XX) Lebanon Towersite
(YY) Lichen Glade Conservation Area
(ZZ) Lipp Community Lake
(AAA) Lipton Conservation Area
(BBB) Little Osage Prairie
(CCC) Lower Taum Sauk Lake
(DDD) Malta Bend Community Lake
(EEE) Mansfield Shop
(FFF) Maple Flats Access
(GGG) Maple Woods Natural Area
(HHH) Miller Community Lake
(III) Mint Spring Conservation Area
(JJJ) Mount Vernon Prairie
(KKK) Neosho District Office
(LLL) New Madrid Forestry Office
(MMM) Niawathe Prairie Conservation Area
(NNN) Northeast Regional Office
(OOO) Northwest Regional Office
(PPP) Onyx Cave Conservation Area
(QQQ) Ozark Regional Office
(RRR) Parma Woods Range and Training Center (south portion)
(SSS) Pawhuska Prairie
(TTT) Pelican Island Natural Area

(UUU) Perry County Community Lake
 (VVV) Perryville District Headquarters
 (WWW) Pickle Springs Natural Area
 (XXX) Pilot Knob Towersite
 (YYY) Plad Towersite
 (ZZZ) Port Hudson Lake Conservation Area
 (AAAA) Powder Valley Conservation Nature Center
 (BBBB) Ray County Community Lake
 (CCCC) Riverwoods Conservation Area
 (DDDD) Rockwoods Reservation
 (EEEE) Rockwoods Towersite
 (FFFF) Rush Creek Conservation Area
 (GGGG) Saeger Woods Conservation Area
 (HHHH) Salem Maintenance Center
 (IIII) Schnabel Woods
 (JJJJ) F. O. and Leda J. Sears Memorial Wildlife Area
 (KKKK) Sedalia Conservation Service Center
 (LLLL) Shawnee Mac Lakes Conservation Area
 (MMMM) Shepherd of the Hills Fish Hatchery
 (NNNN) Sims Valley Community Lake
 (OOOO) Southeast Regional Office
 (PPPP) Southwest Regional Office
 (QQQQ) Springfield Conservation Nature Center
 (RRRR) Julian Steyermark Woods Conservation Area
 (SSSS) Thirtyfour Corner Blue Hole
 (TTTT) Tower Rock Natural Area
 (UUUU) Tri-City Community Lake
 (VVVV) Twin Borrow Pits Conservation Area
 (WWWW) Tywappity Community Lake
 (XXXX) Ulman Towersite
 (YYYY) Upper Mississippi Conservation Area (Clarksville
 Refuge)
 (ZZZZ) Vandalia Community Lake
 (AAAAA) Wah-Kon-Tah Prairie (portion south of Highway
 82)

(BBBBB) Wah-Sha-She Prairie
 (CCCCC) Walnut Woods Conservation Area
 (DDDDD) Warrenton Forestry Office
 (EEEE) Warrenton Towersite
 (FFFFF) White Aloe Creek Wildcat Conservation Area
 (GGGGG) Wildcat Glade Natural Area
 (HHHHH) Walter Woods Conservation Area
 (IIIII) Mark Youngdahl Urban Conservation Area
 (O) Marguerite Bray Conservation Area
 (P) Brookfield Maintenance Center
 (Q) Buffalo Radio Facility
 (R) Caldwell Memorial Wildlife Area
 (S) Camdenton Conservation Service Center
 (T) Caruthersville Rookery Conservation Area
 (U) Clearwater District Headquarters
 (V) Climax Springs Towersite
 (W) Clinton Office
 (X) Conservation Commission Headquarters
 (Y) Robert G. DeLaney Lake Conservation Area
 (Z) Doniphan Towersite
 (AA) Drovers Prairie Conservation Area
 (BB) Engelmann Woods Natural Area
 (CC) Eugene Towersite
 (DD) Foxglove Conservation Area
 (EE) Friendly Prairie Conservation Area
 (FF) Gay Feather Prairie Conservation Area
 (GG) Grandpa Chipley's Conservation Area
 (HH) Gravois Mills Access
 (II) Ronald and Maude Hartell Conservation Area
 (JJ) James R. Harter Conservation Area
 (KK) Ruth and Paul Henning Conservation Area
 (LL) Hickory Canyons Natural Area
 (MM) Houston Forestry Office

(NN) Hurley Radio Facility
 (OO) Hurricane Deck Towersite
 (PP) Jefferson City Radio Facility
 (QQ) Joplin Towersite
 (RR) Juden Creek Conservation Area
 (SS) LaPetite Gemme Prairie Conservation Area
 (TT) Lebanon Forestry Office
 (UU) Lebanon Towersite
 (VV) Lichen Glade Conservation Area
 (WW) Limpp Community Lake
 (XX) Lipton Conservation Area
 (YY) Little Osage Prairie
 (ZZ) Lower Taum Sauk Lake
 (AAA) Malta Bend Community Lake
 (BBB) Mansfield Shop
 (CCC) Maple Flats Access
 (DDD) Maple Woods Natural Area
 (EEE) Miller Community Lake
 (FFF) Mint Spring Conservation Area
 (GGG) Mount Vernon Prairie
 (HHH) Neosho District Headquarters
 (III) New Madrid Forestry Office
 (JJJ) Niawathe Prairie Conservation Area
 (KKK) Northeast Regional Office
 (LLL) Northwest Regional Office
 (MMM) Onyx Cave Conservation Area
 (NNN) Ozark Regional Office
 (OOO) Parma Woods Range and Training Center (south por-
 tion)
 (PPP) Pawhuska Prairie
 (QQQ) Pelican Island Natural Area
 (RRR) Perry County Community Lake
 (SSS) Perryville District Headquarters
 (TTT) Pickle Springs Natural Area
 (UUU) Pilot Knob Towersite
 (VVV) Plad Towersite
 (WWW) Port Hudson Lake Conservation Area
 (XXX) Powder Valley Conservation Nature Center
 (YYY) Ray County Community Lake
 (ZZZ) Resource Science Center
 (AAAA) Riverwoods Conservation Area
 (BBBB) Rocheport Cave Conservation Area
 (CCCC) Rockwoods Reservation
 (DDDD) Rockwoods Towersite
 (EEEE) Runge Conservation Nature Center
 (FFFF) Rush Creek Conservation Area
 (GGGG) Saeger Woods Conservation Area
 (HHHH) Salem Maintenance Center
 (IIII) Schnabel Woods
 (JJJJ) F. O. and Leda J. Sears Memorial Wildlife Area
 (KKKK) Sedalia Conservation Service Center
 (LLLL) Shawnee Mac Lakes Conservation Area
 (MMMM) Shepherd of the Hills Fish Hatchery
 (NNNN) Sims Valley Community Lake
 (OOOO) Southeast Regional Office
 (PPPP) Southwest Regional Office
 (QQQQ) Springfield Conservation Nature Center
 (RRRR) Julian Steyermark Woods Conservation Area
 (SSSS) Sullivan Office
 (TTTT) Thirtyfour Corner Blue Hole
 (UUUU) Tower Rock Natural Area
 (VVVV) Tri-City Community Lake
 (WWWW) Twin Borrow Pits Conservation Area
 (XXXX) Tywappity Community Lake
 (YYYY) Ulman Towersite
 (ZZZZ) Upper Mississippi Conservation Area (Clarksville
 Refuge)
 (AAAAA) Vandalia Community Lake

(BBBBB) Wah-Kon-Tah Prairie (portion south of Highway 82)
(CCCCC) Wah-Sha-She Prairie
(DDDDD) Walnut Woods Conservation Area
(EEEE) Warrenton Office
(GGGGG) White Alloe Creek Conservation Area
(HHHHH) Wildcat Glade Natural Area
(IIII) Walter Woods Conservation Area
(JJJJJ) Mark Youngdahl Urban Conservation Area

(5) Firearms firing single projectiles are prohibited on the following department areas:

(EE) William Lowe Conservation Area
[(EE)](FF) Alice Ahart Mansfield Memorial Conservation Area
[(FF)](GG) Marais Temps Clair Conservation Area
[(GG)](HH) Mo-No-I Prairie Conservation Area
[(HH)](II) Mon-Shon Prairie Conservation Area
[(II)](JJ) Pacific Palisades Conservation Area
[(JJ)](KK) Guy B. Park Conservation Area
[(KK)](LL) Parma Woods Range and Training Center (north portion)
[(LL)](MM) Reform Conservation Area
[(MM)](NN) Rocky Barrens Conservation Area
[(NN)](OO) Dr. O. E. and Eloise Sloan Conservation Area
[(OO)](PP) Sunbridge Hills Conservation Area
[(PP)](QQ) Tipton Ford Access
[(QQ)](RR) Treaty Line Prairie Conservation Area
[(RR)](SS) Valley View Glades Natural Area
[(SS)](TT) Archie and Gracie VanDerhoef Memorial State Forest
[(TT)](UU) Victoria Glades Conservation Area
[(UU)](VV) Vonaventure Memorial Forest and Wildlife Area
[(VV)](WW) Wig Wam Access
[(WW)] George O. White State Forest Nursery

(12) On Weldon Spring Conservation Area, spring turkey hunting [and fall archery turkey hunting are] is permitted only by holders of a [Managed] Spring Turkey Hunting Permit [in addition to prescribed statewide permits.] who have been selected to participate in the area's managed spring turkey hunt. Fall firearms turkey hunting is permitted under statewide seasons, methods, and limits. Fall archery turkey hunting is permitted only by holders of an Archer's Hunting Permit who have been selected to participate in the area's archery managed deer hunt; turkeys may only be taken prior to taking a deer.

(14) On Caney Mountain Conservation Area (fenced portion) spring turkey hunting is permitted only [with a longbow] by holders of a Spring Turkey Hunting Permit who have been selected to participate in the managed hunt.

(15) On Caney Mountain Conservation Area (fenced portion), [turkey and squirrel hunting only with muzzleloading shotguns and longbows is permitted during the fall firearms turkey season] firearms squirrel hunting is prohibited from September 1 through November 30.

(16) On August A. Busch Memorial Conservation Area:

(A) Rabbits may be hunted only with shotgun from January 1 through February 15, except on designated portions where special management restrictions apply. The daily limit is four (4) rabbits.

(E) Spring turkey hunting is permitted only [with a Managed] by holders of a Spring Turkey Hunting Permit [in addition to prescribed statewide permit] who have been selected to participate in the area's managed spring turkey hunt. Fall firearms turkey hunting is prohibited. Fall archery turkey hunting is permitted only by holders of an Archer's Hunting Permit who have been selected to participate in the area's archery managed deer hunt; turkeys may only be taken prior to taking a deer.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 8, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 11—Wildlife Code: Special Regulations for Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.182 Deer Hunting. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment incorporates department area deer hunting regulations into Chapter 7.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

[(1)] Deer may be hunted only during the statewide archery season and the muzzleloader portion of the firearms season on the department areas listed below. Statewide methods and limits apply.

(A) Bilby Ranch Lake Conservation Area
(B) Loutre Lick Access
(C) Jamerson C. McCormack Conservation Area
(D) Moore's Mill Access
(E) Nodaway County Community Lake
(F) Pigeon Hill Conservation Area
(G) Punkin Center Access
(H) Rocky Fork Lakes Conservation Area
(I) Sears Community Lake
(J) Seven Island Conservation Area
(K) White River Trace Conservation Area
(L) Worth County Community Lake

(2) Deer may be hunted, under statewide seasons and limits, only by archery methods on the following department areas:

(A) Wilbur Allen Memorial Conservation Area
(B) Beaver Creek Conservation Area
(C) Bennett Spring Access
(D) Blind Pony Lake Conservation Area
(E) Blue Lick Conservation Area
(F) Bob Brown Conservation Area
(G) Bois D'Arc Conservation Area

(H) Boston Ferry Conservation Area
 (I) Branch Towersite
 (J) Brickley Hollow Access
 (K) Jim Bridger Urban Conservation Area
 (L) Catawissa Conservation Area
 (M) Charity Access
 (N) Coffin Cave Conservation Area
 (O) Coon Island Conservation Area
 (P) Cooper Hill Conservation Area
 (Q) Corkwood Conservation Area
 (R) Crooked Creek Conservation Area
 (S) Cuivre Island Conservation Area (mainland portion)
 (T) Diamond Grove Prairie Conservation Area
 (U) Dorris Creek Prairie Conservation Area
 (V) Dorsett Hill Prairie Conservation Area
 (W) Drury-Mincy Conservation Area
 (X) Drywood Conservation Area
 (Y) Duck Creek Conservation Area
 (Z) Arthur Dupree Memorial Conservation Area
 (AA) Eagle Bluffs Conservation Area
 (BB) Earthquake Hollow Conservation Area
 (CC) Peter A. Eck Conservation Area
 (DD) Edmonson Access
 (EE) Elrod Mill Access
 (FF) Ferguson-Herold Conservation Area
 (GG) Nannie B. Floyd Memorial Conservation Area
 (HH) Fort Leonard Wood Towersite
 (II) Fountain Grove Conservation Area
 (JJ) Four Rivers Conservation Area (Unit 1—portion north of Little Osage River, Unit 2, Unit 3).
 (KK) Frisbee Cutoff Access
 (LL) Larry R. Gale Access
 (MM) Gipsy Towersite
 (NN) Grand Bluffs Conservation Area
 (OO) Grand Pass Conservation Area
 (PP) Grassy Towersite
 (QQ) Hadorn Bridge Access
 (RR) Hinkson Woods Conservation Area
 (SS) Hite Prairie Conservation Area
 (TT) Hornersville Swamp Conservation Area
 (UU) Horse Creek Prairie Conservation Area
 (VV) Howell Island Conservation Area
 (WW) Hyer Woods Conservation Area
 (XX) Indigo Prairie Conservation Area
 (YY) Jamesport Community Lake
 (ZZ) Anthony and Beatrice Kendzora Conservation Area
 (AAA) Kessler Memorial Wildlife Area
 (BBB) Wilford V. and Anna C. Kneib Memorial Conservation Area
 (CCC) Lake Girardeau Conservation Area
 (DDD) B. K. Leach Memorial Conservation Area
 (EEE) Little Bean Marsh Conservation Area
 (FFF) Little Dixie Lake Conservation Area
 (GGG) Little Prairie Conservation Area
 (HHH) Little River Conservation Area
 (III) Caroline Sheridan Logan Memorial Wildlife Area
 (JJJ) Lon Sanders Canyon Conservation Area
 (KKK) Lone Jack Lake Conservation Area
 (LLL) Lost Valley Fish Hatchery
 (MMM) Alice Ahart Mansfield Conservation Area
 (NNN) Merrill Horse Access
 (OOO) Mockingbird Hill Access
 (PPP) Monegaw Prairie Conservation Area
 (QQQ) Mo-No-I Prairie Conservation Area
 (RRR) Mon-Shon Prairie Conservation Area
 (SSS) Montrose Conservation Area
 (TTT) Mound View Access
 (UUU) Nodaway Valley Conservation Area

(VVV) Old Town Access
 (WWW) Pacific Palisades Conservation Area
 (XXX) Guy B. Park Conservation Area
 (YYY) Parma Woods Range and Training Center (north portion)
 (ZZZ) Pilot Knob Conservation Area
 (AAAA) Platte Falls Conservation Area
 (BBBB) Prairie Slough Conservation Area
 (CCCC) J. Thad Ray Memorial Wildlife Area
 (DDDD) Redwing Prairie Conservation Area
 (EEEE) Reform Conservation Area
 (FFFF) Rocky Barrens Conservation Area
 (GGGG) Rocky Mount Towersite
 (HHHH) Schell-Osage Conservation Area
 (IIII) Ted Shanks Conservation Area
 (JJJJ) Sky Prairie Conservation Area
 (KKKK) Dr. O.E. and Eloise Sloan Conservation Area
 (LLLL) Sni-A-Bar Conservation Area
 (MMMM) Sterling Price Community Lake
 (NNNN) Sunbridge Hills Conservation Area
 (OOOO) Swift Ditch Access
 (PPPP) Ten Mile Pond Conservation Area
 (QQQQ) Tipton Ford Access
 (RRRR) Treaty Line Prairie Conservation Area
 (SSSS) Upper Mississippi Conservation Area (Bay Island Unit)
 (TTTT) Upper Mississippi Conservation Area (Dresser Island Unit)
 (UUUU) Valley View Glades Natural Area
 (VVVV) Archie and Gracie Vanderhoef Memorial State Forest
 (WWWW) Victoria Glades Conservation Area
 (XXXX) Vonaventure Memorial Forest and Wildlife Area
 (YYYY) Warbler Woods Conservation Area
 (ZZZZ) Henry Jackson Waters and C. B. Moss Memorial Wildlife Area
 (AAAAA) George O. White State Forest Nursery
 (BBBBB) Wig Wam Access
 (CCCCC) Wolf Bayou Conservation Area
 (DDDDD) Yellow Creek Conservation Area
 (EEEE) Young Conservation Area

(3) During the Youth-Only, November and muzzleloader portions of the firearms deer hunting season, only antlered deer may be taken or possessed on the department areas listed below. Antlerless deer may not be taken on a firearms deer hunting permit.

(A) Apple Creek Conservation Area
 (B) Ben Cash Conservation Area
 (C) Buffalo Hills Natural Area
 (D) Busiek State Forest and Wildlife Area
 (E) Chalk Bluff Trails Access
 (F) Compton Hollow Conservation Area
 (G) Daniel Boone Conservation Area
 (H) Danville Conservation Area (Baldwin, Schulze and Thornhill Annexes)
 (I) Davisdale Conservation Area
 (J) Donaldson Point Conservation Area
 (K) Gayoso Bend Conservation Area
 (L) General Watkins Conservation Area
 (M) Girvin Conservation Area
 (N) Indian Trail Conservation Area
 (O) J. N. "Turkey" Kern Memorial Wildlife Area
 (P) Lamine River Conservation Area
 (Q) Little Indian Creek Conservation Area
 (R) Little Lost Creek Conservation Area
 (S) Long Ridge Conservation Area
 (T) Maintz Wildlife Preserve

(U) Oak Ridge Conservation Area
(V) Ralph and Martha Perry Memorial Conservation Area
(W) Pleasant Hope Conservation Area
(X) Ranacker Conservation Area
(Y) Red Rock Landing Conservation Area
(Z) Frank Reifsnider State Forest
(AA) River 'Round Conservation Area
(BB) Seventy-Six Conservation Area
(CC) Robert E. Talbot Conservation Area
(DD) Wilhemina Conservation Area
(EE) Wolf Bayou Conservation Area

(4) Deer may be hunted, under statewide seasons and limits, only by archery and muzzleloader methods on the department areas listed below:

(A) Belcher Branch Conservation Area
(B) Bethel Prairie Conservation Area
(C) Big Creek Conservation Area
(D) Buffalo Wallow Conservation Area
(E) Bushwhacker Lake Conservation Area
(F) Clear Creek Conservation Area
(G) Comstock Prairie Conservation Area
(H) Crooked River Conservation Area
(I) Four Rivers Conservation Area (Unit 4)
(J) Grandfather Prairie Conservation Area
(K) Harmony Mission Conservation Area
(L) Hi Lonesome Prairie Conservation Area
(M) King Lake Conservation Area
(N) Lester R. Davis Memorial Forest
(O) Little Compton Lake Conservation Area
(P) Osage Prairie Conservation Area
(Q) Pa Sole Prairie Conservation Area
(R) Paint Brush Prairie Conservation Area
(S) Peabody Conservation Area
(T) Pony Express Lake Conservation Area
(U) Edward B. and Marie O. Risch Conservation Area
(V) Settle's Ford Conservation Area
(W) Shawnee Trail Conservation Area
(X) Stony Point Prairie Conservation Area
(Y) Taberville Prairie Conservation Area
(Z) Twenty-Five Mile Prairie Conservation Area
(AA) Frank E. Wagner Conservation Area
(BB) Wah-Kon-Tah Prairie (portion north of Highway 82))

Deer may be hunted on department areas as authorized in the annual *Fall Deer and Turkey Hunting Regulations and Information* booklet. This publication is incorporated by reference. A copy of this booklet is published by and can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. It is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 8, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180,

Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED RESCISSION

3 CSR 10-11.183 Managed Deer Hunts. This rule provided for managed deer hunts on Department of Conservation areas.

PURPOSE: This rule is being incorporated into provisions of 3 CSR 10-7.436 Deer: Managed Hunts.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Rescinded: Filed Oct. 8, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to amend sections (2) and (6).

PURPOSE: This amendment establishes and/or changes provisions for the use of boats and motors on lakes under cooperative management with the department.

(2) Boats are prohibited on the following areas:

(G) Farmington [City Lake] (Giessing Lake, Hager Lake and Thomas Lake)
(H) Jackson (Rotary [Park] Lake)
(L) Jennings (Koeneman Park Lake)
[(L)] (M) Mexico (Kiwanis Lake)
[(M)] (N) Mineral Area College (Quarry Pond)
[(N)] (O) Mount Vernon (Williams Creek Park Lake)
[(O)] (P) Overland (Wild Acres Park Lake)
[(P)] (Q) Potosi (Roger Bilderback Lake)
[(Q)] (R) Rolla (Schuman Park Lake)
[(R)] (S) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)
[(S)] (T) St. Louis County (Bee Tree Lake)
[(T)] (U) Sedalia (Clover Dell Park Lake, Liberty Park Pond)
[(U)] (V) University of Missouri (South Farm R-1 Lake)

(6) Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:

[(H)] **LaBelle City Lake**

[(I)] **(H) Marceline [City Lake] (Marceline City Lake, Old Marceline City Reservoir)**

[(J)] **(I) Mark Twain National Forest (Council Bluff Lake, Palmer Lake)**

[(K)] **(J) Memphis (Lake Showme)**

[(L)] **(K) Milan (Elmwood Lake)**

[(M)] **(L) Monroe (Route J Reservoir)**

[(N)] **(M) Watkins Woolen Mill State Park and Historic Site (Williams Creek Lake)**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed May 9, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 8, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.115 Bullfrogs and Green Frogs. The commission proposes to amend subsections (1)(A) and (B).

PURPOSE: This amendment corrects the names of various city lakes and outlines methods to take frogs on various lakes managed under cooperative agreement by the department.

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, gig, longbow, snagging, snaring, grabbing or pole and line except as further restricted by this chapter.

(A) Longbows may not be used to take frogs on the following areas:

1. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lake)

2. Farmington [City Lake] (**Giessing Lake, Hager Lake and Thomas Lake**)

3. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)

4. James Foundation (Scioto Lake)

5. Mark Twain National Forest (department managed portions)

6. Mexico (Lakeview Lake, Kiwanis Lake)

7. Moberly (Rothwell Park Lake, Water Works Lake)

(B) Only pole and line may be used to take frogs on the following areas:

1. Bridgeton (Kiwanis Lake)

2. Butler City Lake

3. Jennings (Koeneman Park Lake)

/3./4. Kirkwood (Walker Lake)

/4./5. Mineral Area College (Quarry Pond)

/5./6. Overland (Wild Acres Park Lake)

/6./7. Potosi (Roger Bilderback Lake)

/7./8. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)

/8./9. St. Louis County (Bee Tree Lake, Creve Coeur Lake, Simpson Lake, Spanish Lake, Sunfish Lake)

/9./10. Sedalia (Clover Dell Park Lake, Liberty Park Pond)

/10./11. Warrensburg (Lion's Lake)

/11./12. Wentzville (Community Club Lake)

/12./13. Windsor (Farrington Park Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 8, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.125 Hunting and Trapping. The commission proposes to amend subsections (1)(B) and (D) and sections (2) and (3).

PURPOSE: This amendment modifies hunting and trapping regulations on areas managed under cooperative agreement by the department.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Hunting, under statewide permits, seasons, methods and limits, is permitted except as further restricted in this chapter and except for deer hunting as authorized in the annual *Fall and Turkey Hunting Regulations and Information* booklet. This publication is incorporated by reference. A copy of this booklet is published by and can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. It is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

(B) Hunting is prohibited on the following areas:

1. Thomas S. Baskett Wildlife Research and Education Center

2. Bethany (Old Bethany City Reservoir)
3. Bridgeton (Kiwanis Lake)
4. California (Proctor Park Lake)
5. Carthage (Kellogg Lake)
6. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lake)
7. Dexter City Lake
8. Farmington [*City Lake*] (**Giessing Lake, Hager Lake and Thomas Lake**)
9. Hamilton City Lake
10. Harrisonville (North Lake)
11. Jackson (Rotary [*Park*] Lake)
12. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Fleming Pond, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
13. James Foundation (Scioto Lake)
14. Jamesport City Lake
15. Lawson City Lake
16. Mexico (Lakeview Lake, Kiwanis Lake)
17. Mineral Area College (Quarry Pond)
18. Moberly (Rothwell Park Lake, Water Works Lake)
19. Mount Vernon (Williams Creek Park Lake)
20. Overland (Wild Acres Park Lake)
21. Potosi (Roger Bilderback Lake)
22. Rolla (Schuman Park Lake)
23. St. Charles (**Fountain Lakes Pond**, Kluesner Lake, **Moore Lake, Skate Park Lake**)
24. St. Louis County (Bee Tree Lake, Creve Coeur Lake, Simpson Lake, Spanish Lake, Sunfish Lake)
25. Savannah City Lake
26. Sedalia (Clover Dell Park Lake)
27. Springfield City Utilities (Lake Springfield)
28. Warrensburg (Lion's Lake)
29. Windsor (Farrington Park Lake)

[(D)] Firearms deer hunting is prohibited on Butler City Lake.]

[(E)](D) Hunting is prohibited on Maysville (Willow Brook Lake), except waterfowl hunting is permitted under statewide regulations.

[(F)](E) On Mingo National Wildlife Refuge:

1. *[Deer and t/Turkey during the fall archery season and [turkey during the] spring firearms season may only be taken under statewide regulations in designated areas by hunters properly registered at the refuge or Duck Creek Conservation Area.*

2. Squirrels may only be taken from the fourth Saturday in May through September 30 in designated areas by hunters properly registered at the refuge or Duck Creek Conservation Area.

3. Waterfowl hunting is prohibited after 1:00 p.m. and on December 25.

4. Waterfowl may be taken only by holders of a valid area daily hunting tag and only from a blind or in a designated area, except that hunters may retrieve dead birds and pursue and shoot downed cripples outside the designated area.

5. Waterfowl hunters must check out immediately after the close of their hunting trip and prior to processing birds.

6. Nonhunters are prohibited within the shooting areas during the waterfowl hunting season unless they are members of and remain with a party authorized to use the area, except that portions of these areas may be open to fishing during all or part of the waterfowl season.

7. Hunting of wildlife other than waterfowl is prohibited, except in designated areas, from October 15 through the end of the prescribed waterfowl season.

[(G)](F) On the portion of Melvin Price Locks and Dam Pool 26, which has been designated a waterfowl refuge, shooting, hunting and off-road vehicles are prohibited at all times.

[(H)](G) Waterfowl hunting is prohibited after 1:00 p.m. on Odessa (Odessa City Lake, Upper Odessa City Lake).

(2) [Managed deer hunts, with commission approval, may be held on any area managed by the department under cooperative agreement. Participants of managed hunts must possess a Managed Deer Hunting Permit.] Deer may be hunted on any area managed by the department under cooperative agreement and as authorized in the annual Fall Deer and Turkey Hunting Regulations and Information booklet.

(3) Trapping is allowed only with a special use permit. Trappers must comply with Chapter 8 of [the Wildlife] this Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 8, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City MO, 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION

Division 10—Conservation Commission

Chapter 12—Wildlife Code: Special Regulations for Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.140 Fishing, Daily and Possession Limits. The commission proposes to delete section (4), amend sections (2), (8), (11), (12) and (13), add section (15) and renumber sections accordingly.

PURPOSE: This amendment modifies fishing regulations on various lakes managed under cooperative agreement by the department.

(2) The daily limit for black bass is two (2) on the following lakes:

(M) Jennings (Koeneman Park Lake)

[(M)](N) Kirksville (Hazel Creek Lake)

[(N)](O) Kirkwood (Walker Lake)

[(O)](P) Mexico (Teal Lake)

[(P)](Q) Mineral Area College (Quarry Pond)

[(Q)](R) Overland (Wild Acres Park Lake)

[(R)](S) Potosi (Roger Bilderback Lake)

*[(S)](T) St. Charles (**Fountain Lakes Pond**, Kluesner Lake, **Moore Lake, Skate Park Lake**)*

[(T)](U) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

[(U)](V) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

[(V)](W) Unionville (Lake Mahoney)

[(W)](X) University of Missouri (South Farm R-1 Lake)

[(X)](Y) Warrensburg (Lion's Lake)

[(Y)](Z) Watkins Mill State Park Lake
 [(Z)](AA) Wentzville (Community Club Lake)
 [(AA)](BB) Windsor (Farrington Park Lake)

[(4)] The daily limit for bullhead catfish is ten (10) on the following lakes:

- (A) Ballwin (New Ballwin Lake, Vlasik Park Lake)
- (B) Ferguson (January-Wabash Lake)
- (C) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (D) St. Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

[(5)](4) The daily limit for carp is four (4) on the following lakes:

- (A) Ballwin (New Ballwin Lake, Vlasik Park Lake)
- (B) Ferguson (January-Wabash Lake)
- (C) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (D) St. Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

[(6)](5) The daily limit for channel catfish, blue catfish and flathead catfish in the aggregate is four (4).

[(7)](6) The daily limit for crappie is fifteen (15) on the following lakes:

- (A) Ballwin (New Ballwin Lake, Vlasik Park Lake)
- (B) Ferguson (January-Wabash Lake)
- (C) Kirksville (Hazel Creek Lake)
- (D) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (E) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)
- (F) Springfield City Utilities (Fellows Lake)

[(8)](7) The daily limit for white bass, striped bass and their hybrids in the aggregate is four (4) on Cameron (Reservoir No. 3) [and St. Louis County (Creve Coeur Lake)].

[(9)](8) The daily limit for gizzard shad for bait on Jackson County (Lake Jacomo, Prairie Lee Lake) and Concordia (Edwin A. Pape Lake) is one hundred fifty (150).

[(10)](9) The daily limit for bluegill is five (5) on University of Missouri (McCredie Lake).

[(11)](10) The daily limit for bluegill is ten (10) on Columbia (Stephens Lake).

[(12)](11) The daily limit for other fish as designated in 3 CSR 10-6.550 is twenty (20) in the aggregate, except on the following lakes where the daily limit in the aggregate is ten (10), and except for those fish included in (4), [(5)], (8), (9), and (10) [and (11)] of this rule:

- (A) Ballwin (New Ballwin Lake, Vlasik Park Lake)
- (B) Bridgeton (Kiwani Lake)

(C) Ferguson (January-Wabash Lake)
 (D) Jennings (Koeneman Park Lake)

[(D)](E) Kirkwood (Walker Lake)

[(E)](F) Mineral Area College (Quarry Pond)

[(F)](G) Overland (Wild Acres Park Lake)

[(G)](H) Potosi (Roger Bilderback Lake)

[(H)](I) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)

[(I)](J) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

[(J)](K) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

[(K)](L) Wentzville (Community Club Lake)

[(13)](12) Trout must be returned to the water unharmed immediately after being caught from November 1 through January 31 on the lakes listed below. Trout may not be possessed on these waters during this season.

(A) Columbia (Cosmo-Bethel Lake)

(B) Jackson (Rotary Lake)

(C) Jefferson City (McKay Park Lake)

[(C)](D) Kirkwood (Walker Lake)

[(D)](E) Overland (Wild Acres Park Lake)

[(E)](F) St. Louis City (Jefferson Lake)

[(F)](G) St. Louis County (Tilles Park Lake)

[(14)](13) No person shall continue to fish for any species after having [five (5)] four (4) trout in possession from November 1 through January 31 on the following lakes:

(A) Ballwin (Vlasik Park Lake)

(B) Ferguson (January-Wabash Park Lake)

(C) St. Louis City (Boathouse Lake and O'Fallon Park Lake)

(D) St. Louis County (Suson Park Lakes No. 1, 2, and 3)

[(15)](14) On St. Charles County (Henry's Pond), fish must be returned to the water unharmed immediately after being caught.

(15) No person shall continue to fish for any species after having four (4) trout in possession, from February 1 through October 31, on the following lakes:

(A) Kirkwood (Walker Lake)

(B) Overland (Wild Acres Park Lake)

(C) St. Louis City (Jefferson Lake)

(D) St. Louis County (Tilles Park Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 8, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.145 Fishing, Length Limits. The commission proposes to amend sections (2), (3) and (6).

PURPOSE: This amendment modifies fishing regulations on various lakes managed under cooperative agreement by the department.

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

(B) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Arrow Rock State Historic Site (Big Soldier Lake)
2. Bethany (Old Bethany City Reservoir)
3. Big Oak Tree State Park (Big Oak Lake)
4. Butler City Lake
5. California (Proctor Park Lake)
6. Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)
7. Carthage (Kellogg Lake)
8. Columbia (Stephens Lake)
9. Concordia (Edwin A. Pape Lake)
10. Confederate Memorial State Historic Site lakes
11. Dexter City Lake
12. Hamilton City Lake
13. Harrison County Lake
14. Higginsville City Lake
15. Holden City Lake
16. Iron Mountain City Lake
17. Jackson (Rotary [Park] Lake)
18. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
19. Jefferson City (McKay Park Lake)
20. Lancaster (New City Lake)
21. Macon (Blees Lake)
22. Maysville (Willow Brook Lake)
23. Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake)
24. Mineral Area College (Quarry Pond)
25. Pershing State Park ponds
26. Potosi (Roger Bilderback Lake)
27. University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake)
28. Warrensburg (Lion's Lake)
29. Watkins Mill State Park Lake
30. Windsor (Farrington Park Lake)

(C) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Ballwin (New Ballwin Lake, Vlasik Park Lake)
2. Bridgeton (Kiwanis Lake)
3. Columbia (Twin Lake)
4. Ferguson (January-Wabash Lake)
- 5. Jennings (Koeneman Park Lake)**
- /5./6. Kirksville (Hazel Creek Lake)**
- /6./7. Kirkwood (Walker Lake)**
- /7./8. Overland (Wild Acres Park Lake)**
- /8./9. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)**
- /9./10. St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake,**

Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

/10./11. St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes, No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

/11./12. Unionville (Lake Mahoney)

/12./13. University of Missouri (South Farm R-1 Lake)

/13./14. Wentzville (Community Club Lake)

/[(E) Black bass more than fourteen inches (14") but less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on LaBelle City Lake.]

/[(F)](E) There is no length limit on black bass on Cuivre River State Park (Lincoln Lake) and Lewis County Public Water Supply District #1 (Ewing Lake).

(3) White bass, striped bass and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on Cameron (Reservoir No. 3) [and St. Louis County (Creve Coeur Lake)].

(6) Channel catfish less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on Macon City Lake [and Marceline City Lake].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed July 31, 2002, effective March 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 8, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions**

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to amend section (25), add a new section (52) and renumber accordingly.

PURPOSE: This amendment corrects the scientific name of walleye, sauger and their hybrids and adds the term transgenic.

(25) Game fish: Shall include the following in which the common names are to be interpreted as descriptive of, but not limiting, the classification by Latin names:

(K) *[Stizostedion] Sander*, all species and their hybrids, commonly known as walleye, pike perch, jack salmon, sauger.

(52) Transgenic: Any organism, or progeny thereof, that contains DNA from a species that was not a parent of that organism.

[(52)](53) Transport and transportation: All carrying or moving or causing to be carried or moved from one (1) point to another, regardless of distance, vehicle or manner, and includes offering or receiving for transport or transit.

[(53)](54) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear.

[(54)](55) Ungulate: Hoofed animals.

[(55)](56) Waters of the state: All rivers, streams, lakes and other bodies of surface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

[(56)](57) Zoo: Any publicly-owned facility, park, building, cage, enclosure or other structure or premises in which live animals are held and exhibited for the primary purpose of public viewing.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-11.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 8, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

4 CSR 60-4.010. Original rule filed Nov. 12, 1997, effective May 30, 1998. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Oct. 15, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated one thousand one hundred dollars (\$1,100) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Barber Examiners, Darla L. Fox, Executive Director, PO Box 1335, Jefferson City, MO 65102 or at barber@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 60—State Board of Barber Examiners Chapter 1—General Rules

PROPOSED AMENDMENT

4 CSR 60-1.025 Fees. The board is proposing to add new language in subsection (1)(G).

PURPOSE: This amendment establishes a name search fee with the Highway Patrol.

(1) The following fees are established by the State Board of Barber Examiners and are payable in the form of a cashier's check, money order, or personal check:

(G) Name Search Fee
(as determined by the Missouri State Highway Patrol)

AUTHORITY: section 328.060.1, RSMo 2000 and 610.026, RSMo Supp. 2004. The material covered in this rule was previously filed as

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 60 - State Board of Barber Examiners

Chapter 1 - Organization and Description of Board

Proposed Amendment - 4 CSR 60-1.025 Fees

Prepared October 6, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Annual Costs Beginning in FY05

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the amendment by affected entities:
220	Applicants (Name Search Fee - \$5)	\$1,100
	Estimated Annual Cost of compliance for the Life of the Rule	\$1,100

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY04 actuals and FY05 projections.
2. The Missouri Highway Patrol establishes the name search fee, therefore, applicants may incur a variance in cost should those fees be increased or decreased.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 340—School Improvement and Accreditation**

PROPOSED RESCISSION

5 CSR 50-340.150 Priority Schools. This rule established procedures to improve student performance in lower performing schools.

PURPOSE: This rule is being rescinded because passage of Senate Bill 1080 amended legislation which served as the basis for the rule.

AUTHORITY: sections 160.720 and 161.092, RSMo Supp. 2002. Original rule filed Oct. 29, 2002, effective June 30, 2003. Rescinded: Filed Oct. 12, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Attn: Ginny Vandelicht, Assistant Director, MO School Improvement Program, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 340—School Improvement and Accreditation**

PROPOSED RULE

5 CSR 50-340.150 Priority Schools

PURPOSE: This rule establishes procedures to improve student performance in lower performing schools.

(1) The Department of Elementary and Secondary Education (DESE) shall designate priority school buildings or attendance centers (priority school(s)).

(A) During the first year of implementation, all schools previously designated academically deficient will be designated priority schools.

(B) Designation of priority schools is based upon the following criteria:

1. Beginning September 1, 2006, Title I schools in school improvement which meet any of the following:

A. Have assessment performance index scores for required subject areas in the bottom five percent (5%) of the state population for two (2) successive years;

B. Have a school attendance rate of less than ninety percent (90%) for two (2) successive years;

C. Have a graduation rate and placement rate below seventy percent (70%) for two (2) successive years; or

D. Are identified persistently dangerous pursuant to state regulation.

(C) Priority schools must exceed the designation criteria for two (2) successive years to have the priority school designation removed.

(2) The board of education of any district that contains a priority school(s) shall submit a school improvement plan for each priority school that provides for the following:

(A) Identification of the areas of academic deficiency in student performance on the required statewide assessments established pursuant to state law by disaggregating scores based upon school, grade, academic content area and student demographic subgroups;

(B) Implementation of research-based strategies to assist the priority school in addressing the areas of deficiency;

(C) Alignment of the priority school's curriculum to address deficiencies in student achievement; and

(D) Reallocation of district resources to address the areas of deficiency, which shall include focusing available funding on high quality professional development in the areas of deficiency.

(3) For priority schools designated as a result of low student achievement, the school improvement plan must include the components outlined above. Priority schools identified for other reasons must submit a school improvement plan which includes the components outlined above with the exception of identification of the areas of academic deficiency in student performance on the required statewide assessment and alignment of the priority school's curriculum to address deficiencies in student achievement.

(4) The State Board of Education (board) may appoint a team to provide an educational audit of any priority school.

(A) Priority schools may request services for an educational audit upon designation to assist in identification of factors contributing to the designation and make recommendation to address those factors. Any school maintaining priority school status more than two (2) years will be identified for a required educational audit.

(B) The educational audit may coincide with the scheduled Missouri School Improvement Program (MSIP) review for the district in which the building is located. If the priority school is located within a district which has been waived from an on-site MSIP review, the priority school is not waived from the educational audit.

(C) The educational audit team shall report its findings to the board and the local board of education. The board may require all or part of the team's findings to be addressed in the comprehensive school improvement plan.

(5) Local boards of education in districts with priority schools must submit the school improvement plan(s) to DESE on or before August 15 following the school year of designation. In the case where an educational audit has occurred, the findings of the audit must be addressed in that plan.

(A) DESE shall review and identify areas of concern in the school improvement plan within sixty (60) days of receipt of the plan.

(B) Changes to the school improvement plan shall be forwarded to DESE within sixty (60) days of notice to the district of the areas of concern.

(C) DESE shall withhold funds pursuant to state law from any school district that fails to submit a school improvement plan based upon the standards and timelines.

(6) All school buildings and attendance centers declared to be priority schools must be listed in the district's annual school accountability report distributed pursuant to state law.

AUTHORITY: sections 160.720, RSMo Supp. 2004 and 161.092, RSMo Supp. 2003. Original rule filed Sept. 25, 1987, effective Jan. 29, 1988. Amended: Filed Sept. 27, 1995, effective March 30, 1996. Rescinded and readopted: Filed Oct. 12, 2004.

PUBLIC COST: This proposed rule is estimated to cost public school districts twenty thousand dollars (\$20,000) and Department of Elementary and Secondary Education one hundred seventeen thou-

sand dollars (\$117,000) for Fiscal Year 2005 with the cost recurring annually over the life of the rule.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attn: Ginny Vandelicht, Assistant Director, MO School Improvement Program, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST****I. RULE NUMBER**

Title: 5 – Department of Elementary and Secondary Education

Division: 50 – School Improvement

Chapter: 340 - School Improvement and Accreditation

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 50-340.150 Priority Schools

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated of Compliance in the Aggregate
Public Elementary & Secondary School Districts	\$20,000 for Fiscal Year 2005 with the cost recurring annually over the life of the rule.
Department of Elementary & Secondary Education	\$117,000 for Fiscal Year 2005 with the cost recurring annually over the life of the rule.

III. WORKSHEET

Development of Required Plans	\$ 250	x 80 priority schools	\$ 20,000
DESE Staff Costs – 2 FTE (Director & Support Staff)			\$ 67,000
Audit Teams Costs	\$2,000	x 25	<u>\$ 50,000</u>
TOTAL			<u>\$137,000</u>

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 670—Educator Recruitment and Retention**

PROPOSED RULE

**5 CSR 80-670.100 Missouri Classroom Teacher Job-Sharing
Provision**

PURPOSE: To facilitate job-sharing positions for classroom teachers.

(1) The Missouri classroom Teacher Job-Sharing Provision provides that an eligible position is:

(A) A classroom teaching position that is shared by two (2) employees;

(B) Both individuals shall be employed at least seventeen (17) hours per week but not more than twenty (20) hours per week; and

(C) At least seventy percent (70%) of employee time spent in classroom instruction.

(2) Participants in job sharing shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. The pro rata basis shall be based on district policy for full-time employees.

(3) Job sharing positions shall not include instructional support or school services positions including, but not limited to, guidance counselor, media coordinator, psychologist, social worker, audiologist, speech and language pathologists, and nursing positions.

AUTHORITY: sections 161.092 and 168.303, RSMo Supp. 2003. Original rule filed Oct. 12, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED AMENDMENT

11 CSR 40-6.020 Terms; Defined. The Missouri Division of Fire Safety is amending section (1).

PURPOSE: This amendment expands the definition of an amusement ride.

(1) The following definitions shall be used in interpreting this Act unless the context otherwise requires:

(A) Amusement ride—any of the following, which is primarily for the purpose of giving its patrons amusement, pleasure,

thrills, or excitement, and which is open to the general public excluding skill teaching, exercise, and team building:

1. [any] Any mechanical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area [for the purpose of giving its passengers amusement, pleasure, or excitement];

2. Any dry slide over twenty feet (20') in height;

3. Any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device, except hayrack rides, those used solely for transporting patrons to and from parking areas, or those used for guided or educational tours, but does not necessarily follow a fixed or restricted course;

4. Any bungee cord attraction or similar elastic device;

5. Any climbing wall over ten feet (10') in height except for not-for-profit entities that follow the YMCA Services Corporation's Climbing Walls Safety Guidelines or the Boy Scouts of America Guidelines;

(B) Board—the amusement ride safety board established in section 316.204, RSMo;

[(B)](C) Department—the Department of Public Safety;

[(C)](D) Designee—an individual acting under the authority of the Office of the State Fire Marshal;

[(D)](E) Director—the director of the Department of Public Safety;

[(E)](F) Division—Division of Fire Safety, Office of the State Fire Marshal;

[(F)](G) Operator—a person or the agent of a person who owns or controls, or has the duty to control, the operation of an amusement ride or related electrical equipment;

[(G)](H) Owner—a person who owns, leases, controls or manages the operations of an amusement ride and may include the state or any political subdivision of the state;

[(H)](I) Qualified inspector—any person who is—

1. Found by the director to possess the requisite training and experience in respect to amusement rides to perform competently the inspection/investigation required by the Missouri Amusement Ride Safety Act; or

2. Be certified by the National Association of Amusement Ride Safety Officials (NAARSO) to have and maintain at least a level one certification;

[(I)](J) Related electrical equipment—any electrical apparatus or wiring used in connection with amusement rides;

[(J)](K) Safety rules—the rules and regulations governing a rider's conduct on an amusement ride, provided such rules and regulations are prominently displayed at or near the entrance to, or loading platform for, the amusement ride;

[(K)](L) Serious incident—any single incident where three (3) or more persons are immediately transported to a licensed off-site medical care facility for treatment of an injury as a direct result of being on, or the operation of, the amusement ride;

[(L)](M) Serious physical injury—a patron personal injury immediately reported to the owner or operator as occurring on an amusement ride and which results in death, dismemberment, significant disfigurement or other significant injury that requires immediate inpatient admission and twenty-four (24) hour hospitalization under the care of a licensed physician for other than medical observation; and

[(M)](N) Stop order—a written and/or verbal order issued by a qualified inspector, state fire marshal or designee for the temporary immediate cessation of the operation of any amusement ride.

AUTHORITY: section 316.206, RSMo 2000. Original rule filed March 1, 1999, effective Sept. 30, 1999. Amended: Filed April 2, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 15, 2004.

PUBLIC COST: This proposed amendment will not cost state agen-

cies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities between one thousand seven hundred twenty-five dollars (\$1,725) and three thousand five hundred twenty-five dollars (\$3,525) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	11 CSR 40-6.020 Terms; Defined
Type of Rulemaking:	Proposed Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
115	Amusement ride owners	\$1,725 - \$3,525

II. WORKSHEET

Dry Slide compliance (85) x \$15 operating permit = \$1,275
Tram ride compliance (50) x \$15 operating permit = \$750
Bungee device compliance (50) x \$15 = \$750
Non-mechanical climbing walls (50) x \$15 = \$750

An amusement ride company may own more than one of each of these devices.

IV. ASSUMPTIONS

It is estimated that 75% of the (115) amusement ride companies operating in Missouri operate a dry slide defined by this rule amendment, therefore, it is estimated that (85) dry slides will now be required to comply with the inspection/permitting process.

It is estimated that there will be (50) amusement rides classified as a "tram" that will now be required to comply with the inspection/permitting process, however, there is no historical information available.

It is estimated that there will be (50) bungee devices that will now be required to comply with the inspection/permitting process, however, there is no historical information available.

It is estimated that there will be (50) non mechanical belay system climbing walls that now will be required to comply with the inspection/permitting process, however, there is no historical information available.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED AMENDMENT

11 CSR 40-6.025 Exemptions. The Missouri Division of Fire Safety is amending section (1).

PURPOSE: This amendment expands the types of devices that are exempt from this Act.

(1) The following rides are exempt from the provisions of this Act:

(A) Unpowered, non-mechanical playground equipment including but not limited to: swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides and trampolines; *and*

(B) Any single passenger manually, mechanically, or electrically operated, coin-actuated ride, which is customarily placed singly, or in groups, in a public location and which does not normally require the supervision or services of an operator~~/~~;

(C) Water slide;

(D) Dry slide less than twenty feet (20') in height;

(E) Tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device used solely for transporting patrons to and from parking areas, or those used for guided/educational tours;

(F) Any climbing wall less than ten feet (10') in height;

(G) Any climbing wall owned by a not-for-profit entity that follows the YMCA Services Corporation's Climbing Walls Safety Guidelines or the Boy Scouts of America Guidelines; and

(H) Temporary structures, including but not limited to fun-houses, haunted houses, etc. without mechanical components.

AUTHORITY: section 316.206, RSMo [Supp. 1998] 2000. Original rule filed March 1, 1999, effective Sept. 30, 1999. Amended: Filed Oct. 15, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED AMENDMENT

11 CSR 40-6.031 Amusement Ride Inspection. The Missouri Division of Fire Safety is amending sections (1), (2) and (4), and adding new sections (6) and (7).

PURPOSE: This amendment changes the permit expiration date, requires a state inspection checklist to be submitted, increases the permit fee for the state operating permit, identifies minimum inspection guidelines and authorizes spot safety inspections to include a reinspection if applicable.

(1) No amusement ride shall operate in Missouri without a current state operating permit issued by the division. *[Each calendar year a]* An amusement ride owner shall apply for an operating permit to the division on a form furnished by the division and containing such information as the division may require. Such permit is valid for *[current calendar year]* **twelve (12) months from the date of issuance** and is not transferable.

(2) State operating permit(s) shall be issued by the division upon receipt of the following:

(B) Completed Amusement Ride Inspection Report signed by an approved qualified inspector, **to include a state inspection checklist;**

(D) Permit fee of *[fifteen dollars [(\$15)]* **thirty dollars (\$30)** per ride.

(4) Upon the sale or transfer of a state permitted amusement ride the current permit holder shall notify the division in writing within five (5) working days of such transaction and provide information concerning the recipient. The state permit inspection decal shall be removed or obliterated before the ride is sold or transferred by the permit holder. **The new owner shall comply with the inspection/permit process as outlined in this rule.**

(6) The inspection required in section 316.210.1(1), RSMo shall be conducted at a minimum to meet the manufacturer's or engineer's specifications and to follow the applicable national standards.

(7) The department or designee may conduct a spot safety inspection of any amusement ride at any time that is operating or that is setting up to operate in this state. Upon discovery of a hazardous or unsafe condition, a temporary suspension of the operating permit will occur. The amusement ride shall not be allowed to be operated until a reinspection by the division is performed. **The reinspection fee shall be based upon an hourly rate of thirty dollars (\$30).**

AUTHORITY: section 316.206, RSMo 2000. Original rule filed April 2, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 15, 2004.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions one hundred twenty-two thousand eighty-two dollars (\$122,282) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities thirty-six thousand one hundred fifty dollars (\$36,150) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	11 CSR 40-6.031
Type of Rulemaking:	Proposed Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Division of Fire Safety	\$122,282

III. WORKSHEET

House Bill 1403 (2004) established a spot safety inspection procedure for the Division of Fire Safety. To comply with this inspection procedure Division staff will conduct periodic safety inspections of amusement rides operating in the state. Two additional FTE were approved in the Division's FY05 budget to perform these inspections as well as inspections under the Elevator Safety program.

Two (2) FTE - Total Personal Services \$67,584

E & E appropriation - \$54,698 (includes (2) vehicles, (2) computers, travel expenses, training/certification costs, etc)

IV. ASSUMPTIONS

Division staff will be conducted periodic safety inspections on amusement rides operating in Missouri. Noncompliance safety issues identified during these inspections may result in a temporary suspension of the state operating permit and would require a complete safety inspection be conducted before the ride would be allowed to operate. It is estimated that approximately (200) such inspections will result in safety violations that require a reinspection by the Division. Reinspection rates are \$30 per hour with an average inspection taking approximately 1 1/2 hours. Funds collected from these inspections are deposited in the Elevator Safety Fund to assist in replenishing the funds expended by the Division to administer the program.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	11 CSR 40-6.031
Type of Rulemaking:	Proposed Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1235	Amusement Rides	\$36,150

II. WORKSHEET

Approximately 1,235 amusement rides x \$15 fee increase = \$18,525

Approximately 235 more rides will be required to be inspected (per rule 11 CSR 40-6.020) by third party state approved inspectors at an average cost of \$75.00 per ride.

235 rides x \$75.00 = \$17,625

IV. ASSUMPTIONS

An average of 1,000 amusement ride permits are issued on an annual basis. Changes to this rule will add another \$15.00 cost for each state operating permit. With changes to the definition of an amusement ride as noted in another rule, this may add approximately (235) more rides required to obtain a state operating permit.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED RULE

11 CSR 40-6.033 Itinerary Required

PURPOSE: This rule requires each amusement ride company/owner to provide the Missouri Division of Fire Safety with an itinerary of their event dates and locations in the state.

(1) The owner of a portable amusement ride(s) shall file with the division an annual event itinerary on a division form indicating the information listed below at least fourteen (14) days prior to the first scheduled setup or within five (5) days when cancellations or additional locations occur:

- (A) Name of amusement ride owner/company;
- (B) Name of carnival, fair, or activity sponsor;
- (C) Address and telephone number of the site or event sponsor;
- (D) Event date(s) open to the public;
- (E) Date of setup; and
- (F) Name of the amusement ride company contact person on-site.

AUTHORITY: section 316.206, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED AMENDMENT

11 CSR 40-6.040 Liability Insurance—Amusement Rides Owner; Required. The Missouri Division of Fire Safety is amending section (1).

PURPOSE: This amendment requires submission of a certificate of liability insurance to the division with the division listed as a certificate holder.

(1) No amusement ride shall be operated unless at the time of operation there is in existence—

(A) A policy of insurance written by an insurance company authorized to do business in this state in an amount not less than one (1) million dollars per occurrence against liability for injury to persons arising out of the operation of the amusement ride **and the owner shall provide a certificate of liability insurance to the division with the Missouri Division of Fire Safety listed as a certificate holder;** or

AUTHORITY: section 316.206, RSMo 2000. Original rule filed March 1, 1999, effective Sept. 30, 1999. Amended: Filed April 2, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 15, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED AMENDMENT

11 CSR 40-6.075 Owner; Maintain Records. The Missouri Division of Fire Safety is amending section (1).

PURPOSE: This amendment specifies testing recommended by the manufacturer to include nondestructive testing and defines what documentation shall be made available and the period of time such documentation shall be maintained by the amusement ride company.

(1) The owner of an amusement ride shall maintain the following records and make them available to the division and/or the contracted qualified inspector:

(B) Tests recommended by the manufacturer, **to include but not limited to nondestructive testing**, shall be recorded and a copy made available to the division and/or contracted qualified inspector. Evidence of satisfactory test results shall be recorded on a form or statement by one (1) of the following:

- 1. The manufacturer of the ride;
- 2. An insurance carrier lawfully doing business in Missouri and carrying public liability insurance on the ride; or
- 3. A registered licensed professional engineer; and

(C) A complete history file, to include **current owner's manual, any operational manuals or maintenance guides, complete maintenance, inspection, accident, and testing records** for each amusement ride shall be maintained **[on the premises or with a traveling amusement ride] by the company** for at least three (3) years. The **current year's history file shall be available on-site and the owner shall make such records available to the division or his/her designee or qualified inspector upon request. Failure to have, maintain, or make available for review the materials described above constitutes grounds for the division to temporarily suspend a ride's operating permit during the term of failure or refusal.**

AUTHORITY: section 316.206, RSMo 2000. Original rule filed March 1, 1999, effective Sept. 30, 1999. Amended: Filed April 2, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 15, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED AMENDMENT

11 CSR 40-6.080 Operator; Requirements. The Missouri Division of Fire Safety is amending section (4).

PURPOSE: This amendment requires verification to be provided upon request in relation to amusement ride operator training.

(4) The operator shall be trained in the proper use and operation of the amusement ride as provided for in American Society of Testing and Materials F770 and American Society of Testing and Materials F853. **Verification of such training shall be made available upon request.**

AUTHORITY: section 316.206, RSMo 2000. Original rule filed March 1, 1999, effective Sept. 30, 1999. Amended: Filed April 2, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 15, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization**

PROPOSED AMENDMENT

12 CSR 30-3.010 Appeals From the Local Board of Equalization. The commission is amending subsection (1)(C) and section (8).

PURPOSE: This amendment expands the ability of taxpayers and other entities to file correspondence with the commission through various electronic means.

(1) Every owner of real property or tangible personal property shall have the right to appeal from the decision of the local board of equalization, upon compliance with the following rules:

(C) Any complaint shall be served upon the State Tax Commission personally to any commissioner or to the administrative secretary of the commission, by certified, registered, regular, private carrier service mail or *[facsimile]* **electronic** transmission addressed to the State Tax Commission in Jefferson City. **For purposes of this rule, electronic transmission shall mean facsimile transmission or e-mail.**

1. If personal service is made, it may be proven by the affidavit of any person competent to testify, or by the official certificate of any officer authorized under the laws of Missouri to execute process. In determining whether complaints personally served are filed within the time prescribed by law, the date on which personal service is obtained shall be deemed to be the date the complaint is filed with the commission.

2. In determining whether complaints are filed within the time prescribed by law, the complaints may be transmitted to the commission by registered, certified, or regular mail or by private carrier service. Complaints filed by registered or certified mail shall be deemed filed with the commission as of the date deposited with the United States Postal Service. Complaints filed by private carrier service shall be deemed filed as of the date shown by the record of the mailing. Complaints filed by regular or metered mail shall be deemed filed on the date of post office cancellation; or three (3) days before the date the commission receives the complaints if there is no dated post office cancellation.

3. In determining whether complaints filed by *[facsimile]* **electronic** transmission are filed within the time prescribed by law, complaints so filed shall be deemed filed with the commission as of the date the *[facsimile]* **electronic** transmission is received by the commission. A complaint filed by *[facsimile]* **electronic** transmission shall have the same effect as the filing of an original document and *[a facsimile]* **an electronic** signature shall have the same effect as an original signature;

(8) Any complaint, correspondence, routine motion or application for review shall be accepted for filing by *[facsimile]* **electronic** transmission. *[Facsimile]* **Electronic** filings received by the commission before 5:00 p.m. of a regular workday are deemed filed as of that day. Filings received after 5:00 p.m. are deemed filed on the next regular commission workday. Time of receipt is determined by the commission's facsimile machine or computer. The time when transmission began shall be used to determine if transmission occurred prior to 5:00 p.m. If a document is not received by the commission or if it is illegible, it is deemed not filed. Risk of loss in transmission, receipt or illegibility is upon the party transmitting and filing by *[facsimile]* **electronic** transmission. **The person filing a complaint, correspondence, motion, application for review or other filing by electronic transmission shall retain the signed filing and make it available upon order of the commission.**

AUTHORITY: section 138.430, RSMo 2000. This rule was previously filed as 12 CSR 30-2.030. Original rule filed Dec. 13, 1983, effective March 12, 1984. Amended: Filed April 21, 1988, effective Sept. 11, 1988. Rescinded and readopted: Filed May 14, 1991, effective Oct. 31, 1991. Amended: Filed Aug. 23, 1995, effective Jan. 30, 1996. Rescinded and readopted: Filed June 12, 2002, effective Nov. 30, 2002. Amended: Filed Oct. 7, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Secretary, State Tax Commission of Missouri, 621 East Capitol Avenue, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization**

PROPOSED AMENDMENT

12 CSR 30-3.020 Intervention. The commission is amending the Purpose and sections (1) and (2).

PURPOSE: *The purpose of this amendment is to clarify the procedure which permits a nonparty to present information related to an appeal before the commission.*

PURPOSE: *This rule [distinguishes between the right to be heard and the right to intervene in contested cases before the commission and the procedure for intervening] establishes the procedure for nonparties to appear and be heard and for intervention.*

(1) All persons affected or liable to be affected by review by the commission of any assessment, whether or not they are made parties to the appeal by intervention, may *[appear and be heard at any evidentiary hearing of an appeal as provided by section 138.470(1), RSMo]* submit a memorandum setting forth their position on the issue(s) in the given appeal, and serve a copy of same upon counsel for the parties or upon the parties if there is no counsel. However, nonparties are not entitled to notice of hearings and decisions, except as provided generally by section 610.020, RSMo, unless they are made designated persons by the complainants as provided by section 536.067(3), RSMo. Nonparties are not entitled to take depositions, nor entitled to the issuance of subpoenas **nor to introduce exhibits, testify, or cross-examine witnesses.**

(2) Any person may apply for leave to intervene in any contested case before the commission by serving a motion for leave to intervene upon all then existing parties and upon the commission. The motion shall state the grounds for it and whether the applicant is seeking to intervene on behalf of the complainant or the respondent. The motion shall be filed within *[thirty (30)] sixty (60)* days of the time of the notice of institution of the case. Oral argument will be scheduled by the commission on the motion only if there is a written objection to the intervention filed by any party not later than fifteen (15) days after the filing of the motion to intervene. Upon its own motion, the commission, in any case, may order that oral argument be had on the issue of the proposed intervention. A separate motion must be filed for each contested case in which an applicant seeks to intervene.

AUTHORITY: *sections 138.430 and 536.063(1), RSMo [1986] 2000 and Article X, section 14, Mo. Const. 1945. This rule was previously filed as 12 CSR 30-2.050. Original rule filed Dec. 13, 1983, effective March 12, 1984. Amended: Filed Oct. 7, 2004.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Secretary, State Tax Commission of Missouri, 621 East Capitol Avenue, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization**

PROPOSED AMENDMENT

12 CSR 30-3.050 Procedure: Motions and Stipulations. The commission is amending sections (1) and (8).

PURPOSE: *This amendment expands the ability of taxpayers and other entities to file correspondence with the commission through various electronic means.*

(1) Any party filing a written motion or other writing subsequent to the original *[petition]* **complaint** shall serve a copy of that writing upon the attorney of record for all remaining parties or upon the party him/herself if there is no attorney of records. Service shall be made by delivering a copy of the writing to the attorney or party—by leaving a copy of that writing with personnel at the attorney's office, by transmitting a copy by *[facsimile]* **electronic** transmission provided the filing party subsequently mails a copy of the writing to the attorney or party, or by mailing a copy of the writing. **The person filing a motion, or other writing by electronic transmission shall retain the signed filing and make it available upon order of the commission.**

(8) Any complainant may make a written request for a voluntary dismissal of an appeal **at any time prior to the issuance of a decision and order by the hearing officer.** *[and all]* The parties to an appeal may stipulate and agree as to proper assessed value for the subject property, subject to a confirmation by this commission, prior to the issuance of a final decision and order. *[Stipulations which propose a fifteen percent (15%) or greater change in the board of equalization's assessment on the commercial portion of an appeal must include a brief explanation of the factual basis for the proposed commercial assessment.]*

AUTHORITY: *section 138.430, RSMo [1994] 2000 and Article X, section 14, Mo. Const. 1945. This rule was previously filed as 12 CSR 30-2.070. Original rule filed Dec. 13, 1983, effective March 12, 1984. Amended: Filed April 21, 1988, effective Sept. 11, 1988. Amended: Filed May 14, 1993, effective Jan. 13, 1994. Amended: Filed Aug. 23, 1995, effective Jan. 30, 1996. Amended: Filed Oct. 7, 2004.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Secretary, State Tax Commission of Missouri, 621 East Capitol Avenue, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.010 Definitions Relating to Child Care Facilities. This rule defined the terms used in the rules for license-exempt child care facilities.

PURPOSE: *The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.*

AUTHORITY: *sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.010. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.010 July 30, 1998. Emergency amendment filed March 1,*

2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhs.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Senior Services and Regulation Chapter 60—Rules for Inspected Child Care Facilities

PROPOSED RULE

19 CSR 30-60.010 Definitions

PURPOSE: This rule defines terms used in regulating inspected child care facilities for fire, safety, health and sanitation as required by section 210.252, RSMo.

- (1) "Adult" is any individual eighteen (18) years of age and older.
- (2) "Approved child care space" is indoor and outdoor space for children's use that has been inspected and meets rules for inspected facilities.
- (3) "Background check" is a process required in sections 210.254 and 210.900, RSMo for screening for a history of criminal record; probable cause finding of child and elder abuse/neglect; foster parent licensure denials, revocations and suspensions; child care facility license denials, revocations and suspensions; the Department of Mental Health's employee disqualification registry; and residential living facility and nursing home license denials, revocations, suspensions and probationary status.
- (4) "Bureau" is the Bureau of Child Care in the Department of Health and Senior Services.
- (5) "Capacity" is the maximum number of children who may be in the care of the child care facility at any one time whether on or off the premises.
- (6) "Caregiver" is any individual who is responsible for assuring the health and safety of children in a child care facility.
- (7) "Caregiver/child ratio" is the number of caregivers in relation to the number and ages of children in care as listed on the religious organization's Notice of Parental Responsibility.
- (8) "Change of ownership" is a transfer of controlling legal or controlling equitable interest and authority in a child care facility resulting from a sale or merger of the child care facility.
- (9) "Child" is an individual who is under seventeen (17) years of age.

(10) "Child care" is the responsibility for assuring the health and safety of a child away from his/her own home for any part of the twenty-four (24)-hour day for compensation or otherwise.

(11) "Child care facility," also referred to as facility, is a house or other place conducted or maintained by any person who advertises or holds him/herself out as providing care for more than four (4) children, for compensation or otherwise, with exceptions noted in section 210.201(2), RSMo.

(12) "Department" is the Missouri Department of Health and Senior Services.

(13) "Designee" is an individual who is given written authorization from the owner or the principal operating officer to act on their behalf in conducting regulatory activity with the bureau.

(14) "Department director" is the director of the Missouri Department of Health and Senior Services.

(15) "Facility director," hereafter referred to as director, is the individual responsible for and in charge of the day-to-day child care operation.

(16) "Family Care Safety Registry," hereafter referred to as FCSR, is a unit within the Missouri Department of Health and Senior Services that collects official background screening information pursuant to section 210.485, RSMo.

(17) "Grandfather (GF) clause" is the bureau's provision per statute to allow a facility to continue compliance with a previously promulgated rule and partial or full exemption from a new requirement.

(18) "Infant" is any child under twelve (12) months of age.

(19) "Inspected facility" is a child care facility for more than four (4) children that is exempt from licensure but must meet fire, health/sanitation, and safety requirements.

(20) "Kindergarten" is an educational program offered for children who are at least five (5) years of age and not yet in first grade.

(21) "Licensed facility" is a child care facility for more than four (4) children that must have a license to operate per section 210.211, RSMo.

(22) "Local health agency" is an organization operated by a city or county that enforces local public health codes and ordinances and provides other public health related services.

(23) "Notice of Parental Responsibility" is written information provided by a facility operated by a religious organization to the parent and the bureau pursuant to section 210.254, RSMo.

(24) "Nursery school" is a facility with the primary function of providing an educational program for preschool children for no more than four (4) hours per child per day.

(25) "Owner" is the person who has controlling legal authority for establishing, maintaining and operating a nursery school that is subject by statute to inspection.

(26) "Parent, legal guardian, or legal custodian," hereafter referred to as "parent," is an individual who has legal and/or physical custody of a child enrolled at a child care facility.

(27) "Person" is any adult, firm, corporation, association, institution, or other incorporated or unincorporated organization.

(28) "Personnel," also referred to as staff, is any employee or volunteer who works in any capacity at a child care facility.

(29) "Physical plant" is a building or the inspected areas within a building that houses a child care facility. This includes the architectural, structural, mechanical, electrical, plumbing, sanitation and fire protection elements of the building.

(30) "Premises" is all parts of a house(s), dwelling(s) or building(s) and its adjoining land.

(31) "Preschool child" is any child two through five (2-5) years of age who is not attending kindergarten.

(32) "Principal operating officer" is the individual primarily responsible for a religious organization who has legal authority and responsibility for establishing, maintaining and operating a religious operated facility that is subject by statute to inspection.

(33) "Related" is any of the following relationships by marriage, blood or adoption between the owner and the children in care: parent, grandparent, great-grandparent, brother, sister, step-parent, step-brother, step-sister, uncle, aunt, niece, or nephew.

(34) "Religious organization" is an entity that has or would qualify for federal exempt status as a nonprofit religious organization under exempt status as a nonprofit religious organization under section 501(c) of the *Internal Revenue Code* or an entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

(35) "Religious organization academic preschool" is a child care program provided exclusively for four (4)-and five (5)-year-old children that is operated by a religious organization.

(36) "School-age child" is a child five (5) years of age or older who is attending kindergarten or above.

(37) "School system" is a program established primarily for education and which meets the following criteria:

(A) Provides education in at least one (1) grade;

(B) Provides evidence that the school system's records and grades will be accepted by a public or private school for the transfer of any student.

(38) "Toddler" is a child twelve to twenty-four (12-24) months of age.

AUTHORITY: section 210.252.5, RSMo 2000. This rule was previously filed as 19 CSR 40-60.010. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.010 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after

publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.015 Exemption of Child Care Facilities

PURPOSE: This rule explains the basis and procedure by which a facility may qualify for exemption from licensure.

(1) A child care facility is exempt from licensure if it is under the exclusive control of an entity that qualifies for exemption per sections 210.201(2) and 210.211, RSMo.

(2) When a nonreligious organization provides child care through an arrangement with a religious organization to maintain or operate a child care facility, the facility is not under the exclusive control of the religious organization and does not qualify for exemption from licensure under section 210.211(5), RSMo.

(3) If the person(s) operating the facility claims exemption from licensure, s/he shall file all information requested by the department to confirm the exemption from licensing before caring for more than four (4) children per section 210.211, RSMo.

(4) The owner of a facility that is determined to be exempt from licensing may waive exemption and apply for voluntary licensure. These facilities shall comply with all licensing rules.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.020 Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures. This rule established how a facility director would apply for annual fire safety and health and sanitation inspections and how the inspections were conducted.

PURPOSE: *The Department of Health and Senior Services is discontinuing this practice; therefore, the current rule is being rescinded.*

AUTHORITY: *sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.020. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.020 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC COST: *This proposed rule will cost state agencies or political subdivisions twelve thousand four hundred seventy-six dollars (\$12,476) annually in the aggregate.*

PRIVATE COST: *This proposed rule will cost private entities two thousand one hundred sixteen dollars (\$2,116) annually in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Senior Services and Regulation Chapter 60—Rules for Inspected Child Care Facilities

PROPOSED RULE

19 CSR 30-60.025 Process for Determination of Exemption from Licensure

PURPOSE: *This rule sets forth the steps to determine if a child care facility is exempt from licensure.*

(1) To be determined exempt from licensure, the owner of a nursery school or the principal operating officer of a facility operated by a religious organization shall submit documentation of the facility's legal and organizational structure and other information as required by the department. Religious organizations shall provide written proof of their 501(c) status or eligibility for 501(c) status and shall notify the department if that status changes.

(2) The department shall review the information submitted by the facility. The department shall issue an official written decision to the owner or principal operating officer that the facility is subject to licensure; subject to inspection; or not subject to regulation by the department.

(3) The owner or principal operating officer shall notify the bureau when there is a change in the owner; principal operating officer; or legal entity having control of the facility.

(4) When a nursery school or a facility operated by a religious organization has a change of ownership, the new owner or principal operating officer shall apply for a license or shall submit documentation for a determination of exemption from licensure.

AUTHORITY: *section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.025 Process for Determination of Exemption from Licensure
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$12,476 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (12\%) \times (2\%) = \$12,476$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 2% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.025 Process for Determination of Exemption from Licensure
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by Class which would likely be affected By the adoption of the proposed rule:	Classification by types of the business Entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the effected entities:
89	Inspected Child Care Facilities	\$2,116.00 annually

III. WORKSHEET

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Aggregate Cost

89 X (3) X (\$8.00) = \$2,116.00 Total Aggregate Cost

IV. ASSUMPTIONS

- Currently the Bureau of Child Care (BCC) has determined 565 inspected facilities to be compliant with Rules for License-Exempt Child Care Facilities. These 565 facilities will not be affected by this proposed rule per a "Grandfather Clause" section that protects these providers from assuming new financial costs for this rule.
- It is estimated that the BCC will receive 89 regulatory determination requests during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
- Director's annual salary is estimated at \$16,640 per year. This salary equates to a salary of \$8.00 per hour.
- It is estimated that it will take three (3) hours to complete the forms, collect the required documentation and submit this information to the BCC.
- Future year calculations assume a 3% growth rate in both salary and inspected facility applications.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.030 Local Inspections. This rule established criteria for local health departments to conduct health and safety inspections and for local fire districts to conduct fire safety inspections of license-exempt child care facilities.

PURPOSE: Missouri statute clearly addresses this procedure, making the rule unnecessary; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.030. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.030 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.035 Notice of Parental Responsibility

PURPOSE: This rule specifies written information that an inspected facility operated by a religious organization shall provide to a parent and the Bureau of Child Care per section 210.254, RSMo.

(1) The owner of a religious operated child care facility shall provide a Notice of Parental Responsibility to parents which shall include:

(A) Notification that the facility is exempt from state licensing requirements;

(B) Notification that the facility has been inspected and is in compliance with fire, safety, health and sanitation requirements;

(C) The names, addresses and telephone numbers of agencies that inspect the facility for fire, safety, health and sanitation and the date of the most recent inspection by each;

(D) The caregiver/child ratios required by the Department of Health and Senior Services regulations in licensed facilities: for enrolled children under two (2) years of age; for children ages two to four (2-4); and for those five (5) years of age and older;

(E) The standard ratio of caregivers to number of children for each age level maintained in the facility and the total number of children to be enrolled by the facility;

(F) Notification that Background Checks:

1. Have been conducted on each individual caregiver and all other personnel at the facility at the time of employment and every two (2) years thereafter; and

2. Include a screening for child abuse or neglect through the Family Support Division and a criminal record review through the Missouri Highway Patrol pursuant to section 43.540, RSMo;

(G) The disciplinary philosophy and policies of the child care facility; and

(H) The educational philosophy and policies of the child care facility.

(2) The facility shall comply with statements on the Notice of Parental Responsibility.

(3) The facility shall provide copies of the Notice of Parental Responsibility as follows:

(A) At least five (5) days before the facility begins to provide care for more than four (4) children, the owner and principal operating officer shall sign and file a Notice of Parental Responsibility with the bureau;

(B) When a child is enrolled, the director shall provide the parent with two (2) copies of the Notice of Parental Responsibility. The parent shall sign one (1) copy for placement in the child's file to indicate that the enrolling parent acknowledges, by signature, that s/he has read and accepted the information contained in the Notice of Parental Responsibility; and

(C) Annually, during the month of August, the principal operating officer shall sign and file a Notice of Parental Responsibility with the bureau.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-nine thousand nine hundred four dollars (\$49,904) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities thirty-eight thousand seven hundred twenty dollars (\$38,720) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.035 Notice of Parental Responsibility
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$49,904 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (12\%) \times (8\%) = \$49,904.$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	23,460.

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 8% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60. 035 Notice of Parental Responsibility
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
484	Inspected Child Care Facilities	\$38,720.00 annually

III. WORKSHEET

(Number of currently approved) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(484) X (10) X (\$8.00) = \$38,720.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) approved 484 inspected facilities in FY04.
2. Facility director's annual salary is estimated at \$16,640 per year (\$8.00 per hour).
3. It is estimated that it will take the facility director ten (10) hours to complete and update the annual Notice of Parental Responsibility forms, have them signed by parents, submit this information to the BCC, and maintain files at the facility.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.040 Variance Requests. This rule established procedure for a facility director to request a variance from any portion of the rules of this chapter.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.040. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.040 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.045 Initial Annual Inspection

PURPOSE: This rule sets forth the procedure for the first-time inspection process of a facility subject to these rules to determine compliance with fire, safety, health and sanitation requirements.

(1) The bureau may inspect the entire premises of the facility for health and sanitation.

(2) The owner or principal operating officer shall submit the following to the bureau:

(A) Notice of Parental Responsibility as required in section 210.254, RSMo and 19 CSR 30-60.040;

(B) A floor plan/indoor diagram of the facility that designates child care space and shows the location of rooms, toilet(s), diapering surface(s), hand washing facilities, kitchen, doorway(s) and exits;

(C) A diagram of the outdoor play area in relation to the children's exit from the facility, the placement of permanently installed equipment and the location of fencing and gates;

(D) Evidence of compliance, if applicable, with local building and zoning requirements;

(E) A sample menu, if food is served.

(3) The following documentation shall be on file at the facility:

(A) Files for personnel that include:

1. Medical examination reports and Mantoux tuberculin skin tests as required by 19 CSR 30-60.150;

2. Required results of background checks through the Family Care Safety Registry as defined in sections 210.254 and 210.900, RSMo including child abuse/neglect and criminal record checks.

A. These background checks shall be conducted for each individual caregiver and all other personnel at the facility.

B. These background checks shall be conducted at the time of employment and every two (2) years thereafter; and

(B) A file for each child that includes:

1. A medical examination report completed within thirty (30) days following the admission of each child as required by 19 CSR 30-60.140;

2. Immunization record or record of exemption from immunizations; and

3. A dated copy of the Notice of Parental Responsibility signed by the parent for children enrolled at a facility operated by a religious organization.

(4) The building and premises of the facility shall be inspected for fire and safety by the state fire marshal or fire marshal designee.

(5) The building and premises of the facility shall be inspected for health and sanitation by the bureau or bureau designee.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions one hundred twenty-four thousand seven hundred sixty dollars (\$124,760) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities two thousand one hundred sixty dollars (\$2,160) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.045 Initial Annual Inspection
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$124,760 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (12\%) \times (20\%) = \$124,760.$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	23,460.
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	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 20% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.045 Initial Annual Inspection
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
9	Inspected Child Care Facilities	\$2,160.00 annually

III. WORKSHEET

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Total Aggregate Cost

(9) X (30) X (\$8.00) = \$2,160.00

IV. ASSUMPTIONS

1. This proposed rule will not affect the 484 currently inspected facilities.
2. It is estimated that 9 new inspected facilities will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
3. BCC estimates it will take each facility director thirty (30) hours to complete the initial annual inspection process.
4. Facility director's annual salary is estimated at \$16,640 per year (\$8.00 per hour).
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.050 Staffing Requirements. This rule established staffing requirements for license-exempt child care facilities.

PURPOSE: The Department of Health and Senior Services has addressed these requirements in another revised rule; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.050. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.050 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.055 Annual Inspection

PURPOSE: This rule sets forth the procedure for subsequent inspections of a facility subject to these rules to determine compliance with fire, safety, health and sanitation requirements on an annual basis.

(1) The owner or the principal operating officer shall submit the following to the bureau:

(A) A Notice of Parental Responsibility as required in section 210.254, RSMo and 19 CSR 30-60.040;

(B) An updated floor plan/indoor diagram to document if there has been any change in the use of indoor space; and

(C) An updated diagram of the outdoor play area if there has been any change in the children's exit from the building and/or location of fencing and gates.

(2) The following documentation shall be on file at the facility:

(A) Files for personnel that include:

1. Medical examination reports, including Mantoux tuberculin skin tests, for all caregivers and other personnel who have contact with the children in care, as required by 19 CSR 30-60.130;

2. The results of background checks through the Family Care Safety Registry as defined in section 210.485, RSMo for each individual caregiver and all other personnel at the facility. Background

checks shall be conducted at the time of employment and every two (2) years thereafter; and

(B) A file for each child as required in 19 CSR 30-60.140 Children's Enrollment that includes:

1. A medical examination report completed within thirty (30) days following the admission of each child as required by 19 CSR 30-60.140;

2. Immunization record or record of exemption from immunizations; and

3. A dated copy of the Notice of Parental Responsibility signed by the parent of a child enrolled at a facility operated by a religious organization.

(3) The building and premises of the facility shall be inspected for fire and safety by the state fire marshal or fire marshal designee.

(4) The building and premises of the facility shall be inspected for health and sanitation by the bureau or bureau designee.

AUTHORITY: section 210.252.5, RSMo 2000. This rule was previously filed as 19 CSR 40-60.020 and 19 CSR 30-60.020. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions eighty-seven thousand three hundred thirty-two dollars (\$87,332) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred thirty-seven thousand seven hundred sixty dollars (\$137,760) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.055 Annual Inspection
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$87,332 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (12\%) \times (14\%) = \$87,332.$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	23,460.
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	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 14% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.055 Annual Inspection
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
574	Inspected Child Care Facilities	\$137,760.00 annually

III. WORKSHEET

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Total Aggregate Cost

(574) X (30) X (\$8.00) = \$137,760.00

IV. ASSUMPTIONS

1. The Bureau of Child Care (BCC) currently conducts annual inspections of 565 inspected facilities.
2. It is estimated that 9 new inspected facilities will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
3. BCC estimates it will take each facility director thirty (30) hours to complete the annual inspection process.
4. Facility director's annual salary is estimated at \$16,640 per year (\$8.00 per hour).
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.060 Health Requirements. This rule established health requirements for child care providers and children in license-exempt child care facilities.

PURPOSE: The Department of Health and Senior Services has addressed these requirements more specifically in separate sections of other revised rules; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.060. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.060 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.061 Indoor Space, Play Materials and Equipment

PURPOSE: This rule sets forth safety requirements for the physical plant, furniture, equipment and materials in an inspected child care facility.

NOTE: Current rules with a "grandfather clause" will be identified by the symbol (GF) after the affected rule.

(1) General Requirements.

(A) The premises of the facility shall be safe and suitable for the care of children.

(B) The premises shall conform to local zoning and building requirements, if applicable.

(C) The physical plant, furniture, equipment and materials shall be clean, in good condition and safe for the care of children.

(D) Walls, ceilings, floors, and equipment shall be clean and in good condition and shall be:

1. Finished with materials that can be cleaned easily.
2. Free of splinters, cracks and chipped paint.

(E) Concrete floors in areas measured and counted as child care space shall be covered with carpet, tile, vinyl flooring, linoleum, and approved sealant, or other approved floor covering.

(F) All floor coverings shall be clean and in good condition.

(G) Swings or indoor climbing equipment more than twenty-four inches (24") shall have protective floor pads or mats that effectively cushion the fall of a child. Infant swings are an exception and shall be used only with child safety restraints.

(H) The facility shall have adequate artificial or natural lighting throughout each room used for child care.

(I) The facility shall be dry, temperature controlled, well ventilated and free of drafts. The temperature of the rooms shall be no less than sixty-eight degrees Fahrenheit (68°F) and no more than eighty-two degrees Fahrenheit (82°F) when measured two feet (2') from the floor.

(J) Any electric fan in the child care area shall be mounted securely on the wall or ceiling out of children's reach or equipped with blade guards that have openings no larger than one-half inch (1/2").

(K) Utilities, including electricity, heating and cooling systems, and water shall be safe and in working order.

(L) A telephone in working order shall be available for incoming and outgoing calls.

(M) Telephone numbers for the police, fire department, poison control, ambulance and other emergency telephone numbers shall be posted near the telephone.

(N) Children shall not have access to areas not approved for child care. Approved safety gates or locked doors shall be used as needed. Accordion gates or tension gates shall not be used at the top of stairs.

(O) Stairways in approved child care space shall be well-lighted and free of obstructions.

(P) Stairways in approved child care space having more than three (3) steps shall have a handrail placed at a height that is thirty-four inches to thirty-eight inches (34"–38") from the steps. (GF)

(Q) Porches, decks, lofts, stairwells or other physical plant structures in approved child care space having a drop-off of more than twenty-four inches (24") from which children might fall shall have an approved protective banister, guardrail, or barrier that is at least thirty-six inches (36") high. (GF)

(R) Protective banisters, guardrails or barriers shall have balusters (upright posts) at intervals of three and one-half inches (3 1/2") or less to prevent the child from crawling, falling through, or becoming entrapped. (GF)

(S) Approved safety gates at stairways and doors shall be used as needed.

(T) All windows above first floor level in approved child care space shall be constructed or adapted to limit the window opening accessible to children to less than three and one-half inches (3 1/2") or be otherwise protected with approved guards or barriers to prevent children from crawling through, falling through, or becoming entrapped.

(U) Windows less than twenty-four inches (24") from the floor and clear glass doors located in child care space shall have safety guards (e.g., rails or mesh) or be of safety grade glass or polymer (e.g., Lexan). Clear glass doors shall be equipped with decals or vision strips located at varying heights.

(V) Heaters, floor furnaces, radiators, water heaters, stoves, or other equipment which pose a threat to children shall be separated from areas used by children by protective guardrails or barriers which are at least thirty-six inches (36") high to prevent access by children.

(W) All flammable liquids, matches, cleaning supplies, poisonous materials, medicines, tobacco products, alcoholic beverages, hazardous personal care items or other hazardous items shall be inaccessible to children.

(X) Protective outlet covers or twist-lock outlets shall be used in areas accessible to the children.

(Y) Cords for electrical appliances such as microwaves or crock pots shall be inaccessible to children.

(Z) Strings and cords, such as those found on window coverings that are long enough to encircle a child's neck, shall not be accessible to children.

(AA) Illegal drugs shall be prohibited on the premises.

(BB) Ammunition, guns, hunting knives, bows and arrows, pellet or BB guns, metal darts, cap pistols or other weapons shall not be permitted on the premises.

(CC) Smoking shall be prohibited on the premises during child care hours and/or when children are being transported and during field trips.

(2) Floor Space Calculations and Use.

(A) General Requirements.

1. At least thirty-five (35) square feet of usable floor space shall be provided for each preschool and school-age child in care.

2. At least forty-five (45) square feet of usable floor space shall be provided for each infant and toddler in care.

3. Floor space shall be measured wall-to-wall from the inside walls of areas used for children's activities.

4. Floor space shall not include food preparation areas, bathrooms, closets, staff lounges, office space, hallways used exclusively as passageways, or floor space occupied by furniture or shelving not used by the children or for their activities.

5. In a facility located in a residence, the area used for child care, including entrances, child care space and bathrooms shall be separate from the resident's living quarters.

6. The family kitchen of a facility with an attendance of no more than twenty (20) children, located in an owner's permanent residence, may be used for food preparation with approval of the sanitarian.

(3) Bathrooms.

(A) General Requirements.

1. Toilets and hand washing sinks shall be located for safe use by the children.

2. One (1) flush toilet and one (1) hand wash sink shall be available for every twenty (20) preschool and/or school-age children.

3. One (1) potty chair, junior commode or toilet with an adapter seat shall be provided for every four (4) children being toilet trained.

4. Urinals may be substituted for up to one-half (1/2) the required number of toilets, with a minimum of one (1) toilet per bathroom.

5. Locks or latches shall not be used on bathroom or bathroom stall doors used by children below school age.

6. A separate bathroom or bathroom stall shall be available for staff in each building that has a capacity of more than fifty (50) children.

(4) Diapering Area.

(A) Facilities accepting non-toilet trained preschool/school-age children for care shall have a safe diapering surface and hand washing sink in the preschool/school-age space.

(B) Rooms to be used only for the care of two (2) year old children shall have a safe diapering surface and hand wash sink available in the room.

(C) For disease control, diapering surfaces shall be used exclusively for the purpose of changing diapers. Items or materials unrelated to diapering shall not be placed on the diapering surface.

(D) The diapering area and hand wash area shall be separate from any food service area and any food related materials.

(5) Kitchens.

(A) If food is prepared at the facility, a kitchen shall be provided and maintained in compliance with health and safety requirements for food service, preparation and storage.

(B) Kitchens used for meal preparation shall have adequate equipment for food preparation, serving and storage to accommodate the children in care.

(C) A kitchen or meal preparation area shall be separated from all other areas by walls or partitions at least forty-eight inches (48") high or by counters that are at least thirty-six inches (36") high and by an approved safety gate or door to prevent access or harm to children.

(D) The kitchen shall not be used for children's free play, for napping or as passageways for children.

(6) Indoor Furniture, Play Materials and Equipment.

(A) General Requirements.

1. All furniture, play materials and equipment shall be clean, constructed safely, free of entrapment or choking hazards, in good condition and free of sharp, loose or pointed parts.

2. Only lead-free paint, stain or other products shall be used.

3. All furniture, play materials and equipment shall be arranged to provide a clear passage to all exits for safe evacuation.

(B) Sleeping Equipment.

1. General requirements for preschool and school-age children.

A. If children nap, an individual cot, bed, or mat shall be provided by the facility for preschool and school-age children's use.

B. Upper levels of bunk beds shall not be used.

C. Mats may be used provided that:

(I) They have nonabsorbent, cleanable surface or coverings;

(II) They are long enough so the child's head and feet do not rest off the mat.

D. Napping equipment shall be stored so that the sleeping surface is not in contact with the sleeping surface of other napping equipment unless sanitized before each use.

E. An individually assigned sheet to cover the napping surface and a blanket shall be available and used for each child.

F. All bedding shall be clean and shall be laundered at least once a week. Once bedding has been used by a child, it shall not be used by another child until it has been laundered.

G. Each child's individual bedding shall be stored separate from the bedding and napping equipment used by other children.

2. General requirements for infants and toddlers.

A. An individually assigned crib, portable crib or playpen shall be provided and used for each infant. Infants shall be placed on their backs for sleep unless a written exception from the child's parent is on file.

B. An individually assigned crib, portable crib, or playpen shall be provided and used for each toddler unless parents give written permission to use an individually assigned cot or mat.

C. Each crib shall be equipped with a mattress that is sized correctly to the crib, in good condition, and waterproof.

D. Each playpen shall be equipped with a pad that is sized correctly to the playpen, in good condition, and waterproof.

E. Stack cribs shall not be used.

F. Cribs shall have side or head rail spokes not more than two and three-eighths inches (2 3/8") apart. The crib shall have no cut out openings in the headboard or footboard structure in which a child's head could become entrapped.

G. Cribs shall not have corner post extensions that present a potential hazard for clothing entanglement and strangulation.

H. Portable cribs and playpens shall have sides that lock securely in place.

I. At least one (1) crib shall be equipped with wheels for emergency evacuation.

J. An individually assigned sheet shall be provided and used for each infant and toddler. Sheets shall be sized to assure a tight, secure fit.

K. Sheets shall be clean and shall be changed immediately when soiled or wet.

L. Once bedding has been used by an infant or toddler, it shall not be used by another child until it has been laundered.

M. Each infant's and toddler's individual bedding shall be stored separate from the bedding and napping equipment used by other children.

3. Sleeping equipment for all children shall be arranged to provide at least a two foot (2') aisle on one (1) long side of the equipment.

AUTHORITY: section 210.252.5, RSMo 2000. This rule was previously filed as 19 CSR 40-60.100 and 19 CSR 30-60.100. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions thirty-seven thousand four hundred twenty-eight dollars (\$37,428) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities forty thousand one hundred forty dollars (\$40,140) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.061 Indoor Space, Play Materials and Equipment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$37,428 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (12\%) \times (6\%) = \$37,428.$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	23,460.
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	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 6% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.061 Indoor Space, Play Materials and Equipment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
9	Inspected Child Care Facilities	\$40,140.00 annually

III. WORKSHEET

(Number of affected facilities) X (Average cost of Modifications) = Building Modification Aggregate

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Monitoring Aggregate
Monitoring Aggregate + Modification Aggregate = Total Aggregate Cost

(9) X (\$4,300) = \$38,700.00

(9) X (20) X (\$8.00) = \$1,440.00

Total = \$40,140.00

IV. ASSUMPTIONS

1. This proposed rule will not affect the 565 currently inspected facilities per provisions allowed in the "Grandfather Clause".
2. BCC estimates 9 new inspected facilities will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
3. BCC estimates that each of nine (9) newly inspected facilities will require safety improvements to their ceiling, walls or floor covering rules and the "available phone" rule in this section. It is estimated that the cost of improvements to walls, ceilings and floors will be \$600 and the cost of making a phone available will be \$400.
4. BCC estimates that each of nine (9) newly inspected facilities will require building modifications to comply with rules for handrails, protective barriers, number of bathroom stools and sinks at a cost of \$200 per facility for handrails/barriers and \$3,100 for bathroom and plumbing modifications.

5. Facility director's annual salary is estimated at \$16,640 per year (\$8.00 per hour).
6. BCC estimates the facility director will spend twenty (20) hours to oversee, plan and monitor these modifications.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.065 Outdoor Space and Equipment

PURPOSE: This rule sets forth the requirements for the outdoor space, equipment and materials in an inspected child care facility.

NOTE: Current rules with a "grandfather clause" will be identified by the symbol (GF) after the affected rule.

(1) General Requirements.

(A) A facility shall have a fenced outdoor play area if:

1. The facility provides care for more than four (4) hours per child per day; or

2. The facility provides care for four (4) or fewer hours per child per day but includes outdoor play in the daily schedule.

(B) Outdoor space, furniture, equipment and materials accessible to children shall be safe for the care of children.

(C) Children shall not have access to areas not approved for child care. Approved safety gates or locked doors shall be used as required. Accordion gates or tension gates shall not be used at the top of stairs.

(D) Stairways in approved outdoor child care space shall be free of obstructions.

(E) Stairways in approved outdoor child care space having more than three (3) steps shall have a handrail placed at a height that is thirty-four inches to thirty-eight inches (34"–38") from the steps.

(2) Outdoor Space.

(A) Children shall be able to enter the fenced play area directly from the child care building without hazard. (GF)

(B) Caregivers shall inspect the outdoor play area and equipment daily for hazards before child care use.

(C) The play area fence shall be at least forty-eight inches (48") high and shall be permanently installed. (GF)

1. The fence shall be in good condition, with a gate that allows emergency exit from the outdoor play area.

2. Gates shall be equipped with self-closing and positive self-latching closure mechanisms.

(D) Openings in the fence shall be no greater than three and one-half inches (3 1/2") to prevent children from climbing, crawling or falling through or becoming entrapped.

(E) A minimum of seventy-five (75) square feet of outdoor play area per child at the time of use shall be provided. A sufficient area shall be available to accommodate one-third (1/3) the capacity of the facility at one (1) time, with no less than seven hundred fifty (750) square feet.

(F) The play area shall be maintained in a clean and safe condition for children's activities, and shall be free of tripping hazards, trash, animal excrement, broken glass, construction materials, dilapidated buildings, toxic plants, or other debris.

(G) Retaining walls, terracing, porches, decks or other structures that have a drop-off of more than twenty-four inches (24") shall have an approved barrier that is at least thirty-six inches (36") high. The balusters (upright posts) shall be placed at intervals of three and one-half inches (3 1/2") or less to prevent a child from falling, crawling through or becoming entrapped.

(H) The play surfaces and walking surfaces shall be free of holes and irregularities that pose a tripping hazard.

(I) Air conditioner units shall be free of hazards such as exposed wiring or fan blade guards with openings more than one-half inch (1/2"). Air conditioner units that are a hazard shall be barricaded by a forty-eight inch (48") fence.

(J) The play area shall be fenced to prevent access to any swimming and wading pools, lakes, ponds, lagoons, ditches, excavations, landscaping ponds, fountains and other bodies or containers of water.

(K) The play area shall have good drainage.

(L) There shall be a fall-zone area under and around swings and outdoor climbing equipment over twenty-four inches (24") in height from which children might fall and be injured.

(M) The fall-zone area shall be covered with shock absorbing materials which will effectively cushion the fall of a child. This material may include sand, pea gravel, tanbark, shredded tires, wood chips, rubber matting or other approved shock absorbing material.

(N) Areas under and around outdoor equipment shall have continuous maintenance to ensure that the shock absorbing material remains in place and retains its cushioning properties. The shock absorbing material shall be supplemented immediately or replaced as needed.

(O) Concrete, asphalt, carpet, grass or bare soil is not an acceptable shock absorbing surface under outdoor equipment from which children might fall and be injured.

(3) Outdoor Equipment.

(A) Outdoor equipment shall be of safe design and construction, in good condition and free of sharp, loose or pointed parts. Only lead-free paint, stain or other non-toxic products shall be used.

(B) Newly added or replaced equipment shall be free of CCA treated lumber (lumber treated with a pressurized solution containing copper chromates and arsenic). (GF)

(C) Equipment shall be designed to guard against entrapment or situations that may cause strangulation. A play structure shall have no openings between three and one-half inches (3 1/2") and nine inches (9").

(D) Stationary equipment such as swings, slides and climbers shall be securely anchored so that it does not tip or overturn.

(E) Equipment shall be constructed to permit drainage.

(F) Stationary equipment shall have no exposed footings.

(G) Stationary equipment shall be placed to avoid accidents or collisions and shall have a minimum of six feet (6') clearance space from other stationary equipment, walkways, fences, buildings and other structures. (GF)

(H) Any part of the equipment from which children might fall shall not be more than six feet (6') in height.

(I) Equipment with parts that might pinch or crush children's hands or fingers shall not be used unless the parts that pose a threat to children have guards or covers.

(J) Protrusions such as pipes or wood ends that may catch a child's clothing are prohibited.

(K) "S" hooks shall be pinched together to prevent catching children's skin or clothing and to prevent swing chains from disengaging from their supports.

(L) Children's swings shall have lightweight seats of rubber, plastic, canvas or nylon.

(M) Multiple occupancy swings, gliders, animal figure swings, and swinging gates shall be prohibited.

(N) Adult swings or gliders shall be used only with an adult and shall be immobilized when not in use.

(O) Bolts and screws shall be securely tightened and shall be recessed into the frame, covered or filed to avoid sharp edges.

(P) Ropes, loops or any hanging apparatus that might entrap, close or tighten upon a child shall be prohibited.

(Q) Climbing ropes shall be anchored at top and bottom.

(R) Sand boxes and other areas designated for sand play shall be:

1. Enclosed to contain the sand and covered with a lid or other covering when they are not in use.

2. Constructed to permit drainage.

3. Kept free from animal excrement and other toxic or harmful debris.

4. Refilled as often as necessary to keep the sand play area visibly clean.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions thirty-seven thousand four hundred twenty-eight dollars (\$37,428) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities twelve thousand nine hundred sixty dollars (\$12,960) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.065 Outdoor Space and Equipment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$37,428 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (12\%) \times (6\%) = \$37,428.$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	23,460.
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	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 6% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.065 Outdoor Space and Equipment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
9	Inspected Child Care Facilities	\$12,960.00 annually

III. WORKSHEET

(Number of affected facilities) X (Average cost of Modifications) = Modification Aggregate
(Number of affected facilities) X (Hours of work) X (Cost per hour) = Monitoring Aggregate
Monitoring Aggregate + Modification Aggregate = Total Aggregate Cost

(9) X (\$1400.00) = \$12,600.00
(9) X (5) X (\$8.00) = \$ 360.00
Total = \$12, 960.00

IV. ASSUMPTIONS

1. This proposed rule will not affect the 565 currently inspected facilities per provisions allowed in the "Grandfather Clause."
2. It is estimated that 9 new inspected facilities will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
3. Cost estimates are based on the assumption that the 9 newly inspected facilities will elect to have outdoor play and that each will require:
 - Fencing modifications at an average cost of \$800.00.
 - Resilient surfacing at an average cost of \$400. 00.
 - Building modifications to add handrails and protective barriers in the outdoor play area at an average cost of \$200.00.
4. The facility director's annual salary is estimated at \$16,640 per year (\$8.00 per hour.)
5. BCC estimates it will take the facility director five (5) hours for each inspected facility to oversee, plan and monitor these modifications.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.070 Responsibilities of Caregivers. This rule established the responsibilities of caregivers in license-exempt child care facilities.

PURPOSE: The Department of Health and Senior Services has addressed these requirements more specifically in another revised rule; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.070. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.070 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.071 Swimming, Wading Pools and Hot Tubs

PURPOSE: This rule sets forth requirements for the maintenance, operation and use of swimming pools, wading pools and hot tubs.

NOTE: Current rules with a "grandfather clause" will be identified by the symbol (GF) after the affected rule.

- (1) Swimming and wading pools used by children:
 - (A) Shall be constructed and maintained in good condition;
 - (B) Shall be used in a manner that safeguards the lives and health of children; and
 - (C) Shall restrict independent access by children.

(2) If in-ground swimming pools, aboveground swimming pools less than forty-eight inches (48") in height, and/or wading pools are located within the children's fenced outdoor play area, they shall be fenced separately to prevent children's access. The separately fenced area shall not be used as a passageway by children to other child care areas.

(3) Any fence used to restrict children's access to a swimming or wading pool shall be at least forty-eight inches (48") high, shall have

a key or combination locked gate, and shall be constructed to prevent a child from climbing into the pool. (GF)

(4) Aboveground pools shall have non-climbable side walls that are at least forty-eight inches (48") high or shall be enclosed by a fence that is at least forty-eight inches (48") high with a key or combination locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to assure they cannot be accessed.

(5) If an aboveground pool is required to be fenced, a forty-eight inch (48") fence around the top of the pool may be used.

(6) A wall of the facility shall not constitute one side of the fence unless the wall prevents direct access to the pool.

(7) Pool chemicals shall be in a locked area inaccessible to the children and shall not be added to the pool when children are in the pool area.

(8) Caregivers shall have immediate access to a working telephone located at the pool.

(9) Indoor pools and hot tubs shall be in a locked, restricted area that does not allow access by children.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions six thousand two hundred thirty-eight dollars (\$6,238) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities eight hundred dollars (\$800) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.071 Swimming, Wading Pools and Hot Tubs
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$6,238 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (12\%) \times (1\%) = \$6,238.$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	23,460.
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	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 1% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.071 Swimming, Wading Pools, and Hot Tubs
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the effected entities:
9	Inspected Child Care Facilities	\$800.00 annually

III. WORKSHEET

(Number of effected facilities) X (Average cost of Modifications) = Total Aggregate Cost

(1) X (\$800) = \$800 Total Aggregate Cost

IV. ASSUMPTIONS

1. This proposed rule will not affect the 565 currently inspected facilities per provisions allowed in the "Grandfather Clause".
2. It is estimated that 9 new inspected facilities will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
3. The requirements for swimming and wading pool apply only to facilities that elect to have outdoor swimming activities. Swimming or wading pools in inspected programs have been historically very rare. It is estimated that not more than one (1) of the new inspected facilities will have pools and thus require fencing. It is estimated that the average cost for 48" fencing will be \$800.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.075 Animals

PURPOSE: This rule sets forth the requirements if animals are present at an inspected child care facility.

(1) The facility shall not expose children to animals that exhibit aggressive behavior (such as growling, nipping or biting), or animals that may otherwise pose a health or safety threat.

(2) If an animal bites or otherwise injures a child, these requirements shall be met:

(A) The caregiver shall follow appropriate emergency procedures and notify parents as specified in 19 CSR 30-60.150 Health Practices, Promotion and Protection.

(B) The caregiver shall immediately report the incident to the county health department. If possible, the caregiver shall restrain the animal for observation by authorities.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions six thousand two hundred thirty-eight dollars (\$6,238) annually in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.075 Animals
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$6,238 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (12\%) \times (1\%) = \$6,238.$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	23,460.
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	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 1% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.080 Fire Safety Requirements. This rule established the fire safety requirements for all license-exempt child care facilities.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.080. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.080 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.080 Fire Safety

PURPOSE: This rule establishes the fire safety requirements for inspected facilities.

- (1) The following definitions shall be used in interpreting this rule:
- (A) Alterations are changes made to the structure or floor plan of the facility by removing or adding walls and doors or adding space.
 - (B) Commercial stove/range is a stove or range top, larger than a residential stove or range top that has more than four (4) burners or elements and/or a cooking griddle or grill or that is rated as commercial by the manufacturer.
 - (C) Dead-end is a corridor or hallway with no exit at the end that causes occupants to retrace their path to reach an exit.
 - (D) Exit is the portion of a means of egress that is separated from all other areas of the building or structure by construction or equipment required to provide a protected way of travel to the exit discharge. Exits include exterior exit doors, exit passageways, horizontal exits, separated exit stairs, and separated exit ramps.
 - (E) Exit access is the portion of a means of egress that leads to an exit.
 - (F) Exit discharge is the portion of a means of egress between the termination of an exit and a public way.

(G) Fire barrier is a structural element, either vertical or horizontal, such as a wall or floor assembly that is designed and constructed with a specified fire resistance rating to limit the spread of fire and restrict the movement of smoke. Such barriers may have protected openings.

(H) Fire door is a combination of the fire door, frame, hardware and other accessories that together provide a specific degree of fire protection to the opening.

(I) Fire resistance rating is the length of time in minutes or hours that materials or structural elements can withstand fire exposure.

(J) Flame resistant material is the property of material or their structural elements that prevents or retards the passage of excessive heat, hot gases, or flames under the conditions in which they are used.

(K) Flame retardant is a chemical applied to material or other substance that is designed to retard ignition or the spread of fire.

(L) Full coverage fire alarm system is a system that includes but is not limited to pull stations at each exit, smoke detectors, heat detector, horn/strobes, and a control panel with battery backup.

(M) Interior finish includes the interior wall and ceiling finish, and interior floor finish.

(N) Level is the portion of a building included between the upper surface of a floor and the ceiling above it, or any upper surface of a floor and the ceiling above it that is separated by more than five (5) steps on a stairway.

(O) Level exit discharge is a horizontal plane that is located from the point at which an exit terminates and the exit discharge begins. The horizontal plane shall not vary more than two inches (2") in rise or fall.

(P) Means of egress is a continuous and unobstructed way of travel from any point in a building or structure to a public way. A means of egress consists of three (3) distinct parts: the exit access, the exit, and the exit discharge.

(Q) Mixed occupancy is when a facility is located in the same building or structure as another occupancy. This may include a business or place of assembly.

(R) Public way is an area such as a street or sidewalk that is open to the outside and is used by the public for moving from one (1) location to another; a street, alley, or other similar parcel of land essentially open to the outside air deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width and height of not less than ten feet (10').

(S) Remote exit or means of egress is when two (2) exits or two (2) exit access doors are required. Each exit or exit access door shall be placed at a distance apart equal to at least one-half (1/2) the length of the maximum overall diagonal dimension of the building or area to be used.

(T) Self-closing means to be equipped with an approved device that will ensure closing after having been opened.

(U) Smoke barrier is a structural element, either vertical or horizontal, such as a wall, floor, or ceiling assembly that is designed and constructed to restrict the movement of smoke. A smoke barrier may or may not have a fire resistance rating.

(V) Supervised automatic sprinkler system is an approved sprinkler system with the initiating devices monitored by the fire alarm control panel. These initiating devices may include switches used to monitor the position of valves, a low air pressure switch, a water flow switch, and a tamper switch.

(2) General Requirements.

(A) The Missouri Division of Fire Safety shall inspect the facility annually for the capacity specified on the fire inspection request.

(B) Hangings or draperies shall not be placed over exit doors or located to conceal or obscure any exit. All hangings and draperies shall be treated with a flame retardant material with verification of the treatment on file at the facility and available for review by the fire inspector. A valance or cloth material directly above a window that is not within reach of a child is an exception to this rule.

(C) Mirrors shall not be placed on exit doors or adjacent to any exit that may confuse the direction of exit.

(D) Art work and teaching materials attached directly to the walls shall not exceed thirty percent (30%) of the wall area. No artwork or teaching materials shall be hung from the ceilings or in the doorways.

(E) An evacuation/emergency plan for fires and tornadoes that is approved by the fire inspector shall be posted conspicuously in each area of the building used for child care and shall clearly show the route(s) for evacuation and cite special instructions for infants and non-ambulatory children.

(F) Caregivers shall conduct at least one (1) fire drill each month and a disaster drill at least every three (3) months. The disaster drills shall include tornado drills. The director shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building, and number of children present during the drill.

(G) Unscheduled fire drills may be held at the fire inspector's discretion.

(H) A full evacuation of the facility may be postponed during inclement weather.

(I) The fire alarm system in the building shall be activated during all fire drills.

(J) Fire drills shall be conducted as follows:

1. Drills shall simulate an actual fire condition;
2. The children shall not obtain clothing or other items after the alarm has sounded;
3. The children shall proceed to a predetermined location outside the building that is sufficiently remote to avoid fire danger, interference with fire department operations, or confusion among different groups of children; and
4. Groups shall remain in place until a recall to the building is issued or the children are dismissed.

(K) Children shall have no access to areas of the building that do not meet fire safety requirements.

(L) All flammable or combustible liquids, matches, lighters, or other hazardous items shall be stored so they are inaccessible to the children.

(M) The house or building address numbers shall be plainly visible from the street in case of emergency.

(N) Housekeeping practices that ensure fire safety shall be maintained daily.

(O) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(P) The director shall immediately report any fire on the premises to the Office of the State Fire Marshal and the Department of Health and Senior Services, Bureau of Child Care.

(Q) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the fire inspector.

(R) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(S) Before construction or alterations begin or occupancy occurs, a full set of construction plans shall be submitted to the Missouri Division of Fire Safety for review and approval for new construction and for alterations to existing buildings. Fire safety rules and regulations in effect at the time of the plan review shall prevail.

(T) During the construction or remodeling process, the owner shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system and automatic sprinkler system, if applicable, by the Division of Fire Safety before the walls are enclosed. Failure to have these inspections conducted will result in the Division of Fire Safety being unable to approve the child care space.

(U) Mobile homes manufactured after November 27, 1973, shall comply with the Missouri Public Service Commission, regulations for mobile home tie-down systems. Manufactured homes shall comply with section 700.070, RSMo 2000, regarding tie-down systems.

(V) All facilities shall comply with all local building codes, fire codes, and ordinances.

(W) The 2003 edition of the National Fire Protection Association (NFPA), Chapter 101, *Life Safety Code*, shall prevail in the interpretation of this rule.

(X) When the capacity increases, hours of care change, alterations are completed, or other changes occur that affect fire safety the facility shall meet all the requirements of this rule unless otherwise excepted by the Division of Fire Safety.

(Y) Facilities and areas that were previously inspected and approved for child care prior to the effective date of this rule shall have ceilings at least seven feet (7') in height.

(Z) Facilities and areas inspected and approved for child care on or after the effective date of this rule shall meet all the requirements of this rule and shall have ceilings at least seven feet, six inches (7'6") in height.

(AA) If alterations are made in facilities inspected and approved prior to the effective date of this rule, those facilities shall meet all the requirements of this rule and shall have ceilings at least seven feet, six inches (7'6") in height in the altered space. The fire inspector may make an allowance for the installation of ductwork and plumbing.

(BB) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership and a completed Fire Department Notification Form shall be on file at the facility and available for review.

(CC) Clothes dryers shall be vented and maintained properly.

(DD) Candles and oil lamps shall not be used during child care hours.

(3) Mixed Occupancies.

(A) In addition to meeting all the requirements of this rule, facilities inspected and areas initially approved for child care on or after the effective date of this rule shall meet the following requirements. If alterations are made in facilities that were inspected and approved prior to the effective date of this rule, those facilities shall meet these requirements in the altered space—

1. When a facility is located in a building containing mixed occupancies, the other occupancies shall be separated from the facility by at least a one (1)-hour fire barrier; and

2. In facilities in apartment buildings, when both exit accesses exit into the same corridor, the corridor shall be protected throughout by a fire barrier with at least a one (1)-hour fire resistance rated construction. All doors that open into the corridor shall have a one (1)-hour fire resistance rating and shall be self-closing;

3. No facility shall be located next to a high hazard area or occupancy. A high hazard area or occupancy is an area, building, structure, or portions thereof, that contains heat-producing appliances, or that manufactures, processes, generates or stores materials that constitute a high fire, explosion, or health hazard. This includes any area, structure, or building posing a degree of hazard greater than normal to the general occupancy of the area, structure, or building.

(4) Exiting and Means of Egress.

(A) Each level occupied by children shall have at least two (2) remotely located means of egress. Each door opening in a means of egress shall be at least twenty-eight inches (28") wide. In new construction, each door opening shall be a minimum of thirty-six inches (36") wide.

(B) No room or space that is accessible only by a ladder, folding stairs, overhead door, or through a trap door shall be occupied at any time.

(C) Exit doors shall swing in the direction of egress travel and shall be marked with a lighted exit sign with a battery backup of ninety (90) minutes.

(D) Exit doors required to be kept closed shall be self-closing.

(E) Any door in a required means of egress from a facility having an occupant load of one hundred (100) or more persons, or any facility caring for children during nighttime hours, shall be equipped with panic hardware or fire exit hardware. No other latching devices shall be used.

(F) No door in a means of egress shall be locked against egress travel when the building is occupied. Locking devices that impede or prohibit egress or that cannot be disengaged easily shall not be used. Dead bolt locks that require a key to unlock the door from the inside shall not be used. Locking or latching devices installed on doors shall not be located higher than fifty inches (50") above the finished floor.

(G) Closet door latches shall be designed so children can open the doors from the inside. Bathroom door locks shall be designed to permit opening of the door from the outside in an emergency. The opening device or key shall be readily accessible to staff.

(H) In addition to meeting all the requirements of this rule, facilities initially inspected for child care on or after the effective date of this rule shall have emergency lighting with a ninety (90)-minute battery backup installed to light the path of egress. The fire inspector shall determine the location and number of emergency lights. If alterations are made in facilities that were inspected and approved prior to the effective date of this rule, those facilities shall meet this requirement in the altered space.

(I) Stairways, landings, and ramps shall be free of all objects.

(J) Children shall not exit through a kitchen, bathroom, storage room, furnace room, garage, or any other rooms or areas deemed hazardous by the fire inspector.

(K) Children shall not pass through more than one (1) adjoining room to gain access to an exit door that leads directly outside.

(L) Dead-ends as defined by 19 CSR 30-60.080(1)(B) Fire Safety shall not exceed twenty feet (20').

(M) In addition to meeting all the requirements of this rule, facilities initially inspected and approved for child care on or after the effective date of this rule shall meet the following requirements. If alterations are made in facilities that were inspected and approved prior to the effective date of this rule, those facilities shall meet these requirements in the altered space:

1. Stairs in facilities with fifty (50) or more children shall be at least forty-four inches (44") wide. Stairs in facilities with less than fifty (50) children shall be at least thirty-six inches (36") wide.

A. The maximum height of risers shall be seven inches (7") with a minimum height of four inches (4").

B. The minimum tread depth shall be ten inches (10").

C. The minimum height from any tread to the finished ceiling shall be six feet eight inches (6'8").

D. The maximum height between landings shall be no more than twelve feet (12').

E. Landings shall be as wide as the clear width of the stairs.

2. Handrails shall not project into the stairway more than three and one-half inches (3 1/2") on each side.

A. Handrails shall be mounted at least thirty-four inches (34"), and no more than thirty-eight inches (38"), above the surface of the treads. They shall have a clearance of at least one and one-half inches (1 1/2") from the wall. Handrails shall be at least one and one-half inches (1 1/2"), but no greater than two inches (2") in diameter.

B. Stairs with no walls on either side shall have balusters placed on the sides. There shall be no more than three and one-half inches (3 1/2") between each baluster. They shall be attached to the stairs in compliance with building codes.

3. Ramps used in an exit discharge shall be at least forty-four inches (44") wide if the facility has fifty (50) or more occupants.

They shall be at least thirty-six inches (36") wide if the facility has less than fifty (50) occupants.

A. Ramps greater than six inches (6") in height shall have a maximum slope of one-inch (1") drop for twelve inches (12") of run. Ramps less than six inches (6") in height shall have a maximum slope of one-inch (1") drop for ten inches (10") of run.

B. Ramps greater than six inches (6") in height shall have handrails and balusters placed on each side.

C. Ramps shall have a slip-resistant surface.

4. The elevation of interior floor surfaces through doorways shall not present a tripping hazard.

(N) Facilities caring for children under the age of twenty-four (24) months shall have two (2) means of egress out of each room that is dedicated for this age group. One (1) means of egress shall lead directly outside at ground level exit discharge. Both exit doors shall be a minimum of thirty-six inches (36") wide or wider to accommodate the largest crib in the room. The exterior exit door(s) shall swing in the direction of egress travel. The direct exit outside is not required if the entire facility is protected throughout by an approved supervised automatic sprinkler system.

(O) Children over the age of twenty-four (24) months shall not pass through more than one (1) adjoining room to gain access to an exit door or exit access corridor that leads directly outside.

(P) In addition to meeting all the requirements of this rule, facilities that were inspected and approved for child care on or after the effective date of this rule shall meet the following requirements:

1. No child care is allowed above the second floor in any facility.

2. All infant/toddler room(s) shall be located on the first floor with ground level exit discharge or within walkout basements. Exception: Building protected by an approved supervised automatic sprinkler system.

3. The second exit from the infant/toddler room(s) shall be located on the same floor as the infant/toddler room(s) and shall not pass through more than one (1) adjoining room to gain access to this exit or an exit access corridor. Access to this exit shall be made without having to navigate stairs or other objects that would slow evacuation time.

4. Travel distance within the infant/toddler room(s) to an exit access door shall not exceed fifty feet (50'). If the travel distance is more than fifty feet (50'), additional exit access doors shall be installed within the room as indicated by the fire inspector. An approved ramp shall be required if the elevation between the exit and exit discharge is greater than six inches (6").

(5) Level of Exit Discharge.

(A) Areas used for child care shall not be located more than one (1) level below ground level.

(B) In addition to meeting all the requirements of this rule, facilities inspected and areas initially approved for child care on or after the effective date of this rule shall meet the following requirements. If alterations are made in facilities that were inspected and approved prior to the effective date of this rule, those facilities shall meet these requirements in the altered space:

1. Where children are occupying a level below or above the level of exit discharge (basement or second floor), at least one (1) means of egress shall be an exit discharging directly to the outside. The vertical travel to ground level shall not exceed eight feet (8') for the basement and twelve feet (12') for the second floor; and

2. Where children are occupying a level below or above the level of exit discharge (basement or second floor), arrangement of means of egress shall be remote from each other.

(6) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access or an exit shall not exceed one hundred feet (100'). This travel distance may be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is

approved by the fire inspector based on the National Fire Protection Association's Standards for Sprinkler Systems.

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150'). This travel distance may be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the fire inspector based on the National Fire Protection Association's Standards for Sprinkler Systems.

(C) The travel distance between any point in a sleeping room and an exit access to that room shall not exceed fifty feet (50').

(7) Windows for Rescue and Ventilation.

(A) In addition to meeting all the requirements of this rule, facilities inspected and approved for child care on or after the effective date of this rule shall meet the following requirements. If alterations are made in facilities that were inspected and approved prior to the effective date of this rule, those facilities shall meet these requirements in the altered space:

1. Every room or space greater than three hundred (300) square feet used by children shall have at least one (1) outside window for emergency rescue and ventilation. The window shall be operable from the inside without the use of tools and shall provide a clear opening of at least twenty inches (20") wide, twenty-four inches (24") in height. The total clear opening space shall be no less than 5.7 square feet in size. The bottom of the opening shall be no more than forty-four inches (44") above the floor and any latching device shall be operated easily. The clear opening shall be a rectangular solid, with a minimum width and height that provides the required 5.7 square feet opening and a minimum depth of twenty inches (20") to allow passage through the opening. The windows shall be accessible by the fire department and shall open into an area having access to a public way. This does not apply in the following situations:

A. In buildings protected throughout by an approved, supervised automatic sprinkler system; or

B. When the room or space has a door leading directly to the outside of the building.

(B) No windows shall have bars or any other items placed over them in a stationary manner that would impede a rescue or evacuation attempt.

(8) Protection.

(A) The door between the main level and any level below or above it shall be equipped with a one (1)-hour fire rated self-closing door.

(B) If the area above the level used for child care is not approved as child care space, a one (1)-hour fire rated self-closing door is not required.

(C) Vertical openings, such as laundry chutes, elevators or dumb waiters, shall be enclosed and protected with a one (1)-hour fire barrier.

(D) The following rooms and areas used for the storage, processing, or use of materials shall be separated from the remainder of the building by fire barriers having a fire resistance rating of at least one (1) hour of protection. All openings within the fire barriers shall have a one (1)-hour fire rating:

1. Boiler, furnace rooms, and rooms containing water heaters. This does not apply to rooms enclosing only air-handling equipment;

2. Rooms or areas used for the storage of combustible supplies in quantities deemed hazardous by the fire inspector;

3. Rooms or areas used for the storage of hazardous materials, or flammable or combustible liquids in quantities deemed hazardous by the fire inspector;

4. Laundries and laundry rooms, maintenance shops, including woodworking and painting areas; and

5. The doors to janitorial closets shall be equipped with a self-closing device and a fire alarm initiating device in the room.

(E) The rooms or areas listed in 19 CSR 30-60.080(8)(D)1.-5. shall be inaccessible to children by use of a locked doorknob or latch.

(F) The one (1)-hour fire resistance rating required for rooms or areas listed in 19 CSR 30-60.080(8)(D)1.-5. Fire Safety is not required if the facility installs a sprinkler head off the domestic water supply or has an approved automatic sprinkler system. A minimum twenty (20) minute fire resistance rated self-closing door is required if a sprinkler head or approved automatic sprinkler system is installed. A fire alarm initiating device shall be installed in the rooms or areas listed in 19 CSR 30-60.080(10)(C)1.-5. Fire Safety as instructed by the fire inspector.

(G) The door between the main level and the level above that is used for child care shall be equipped with a one (1) hour rated self-closing door. If the area above the level used for child care is not approved as child care space, a one (1) hour rated self-closing door is not required.

(9) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall meet the requirements of the latest edition of the National Fire Protection Association, Chapter 101, *Life Safety Code*. Textile materials having a napped, tufted, looped, woven, nonwoven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic material shall not be used as an interior wall, ceiling, or floor finish.

(B) Interior floor finishes within corridors and exits shall be Class I or II in accordance with Chapter 6 of the 2003 edition of the *Life Safety Code*.

(C) In addition to meeting all the requirements of this rule, facilities initially inspected and areas approved for child care on or after the effective date of this rule, shall have wall studs, ceiling joists, and floor joists that are covered with a minimum of Class C finish with no exposed studs or joists. If alterations are made in facilities that were inspected and approved prior to the effective date of this rule, those facilities shall meet this Class C finish requirement in the altered space.

(10) Detection, Alarms, and Extinguishments.

(A) Facilities using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The fire inspector may require additional carbon monoxide detectors if the fire inspector determines that the safety of the occupants is endangered.

(B) Carbon monoxide detectors shall be in good operating condition. If a battery-operated detector is not operational due to neglect of maintenance, a detector that is powered by the facility's electrical system with a battery backup shall be installed.

(C) If an elevated carbon monoxide level is detected during a fire inspection or at any other time, all gas-fired appliances shall be checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the owner has documentation on file at the facility verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the fire inspector, the fire inspection shall not be approved.

(D) If a level of carbon monoxide is determined that endangers the children in care, the fire inspector shall take measures necessary to protect the children. This may include evacuation of the building or closing the facility. The director shall obtain and have on file at the facility, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The facility shall be reinspected by the fire inspector and determined safe before the children can return to the building or the facility can reopen.

(E) A minimum of one (1) portable, five (5) pound, 2A-10 BC, fire extinguisher shall be required in all facilities. One (1) fire extinguisher shall be located in or near the kitchen or a location required by the fire inspector. The fire inspector may require additional fire

extinguishers based on the floor plan, arrangement of space, and the number of levels used.

(F) Fire extinguishers shall be installed and maintained according to the instructions of the fire inspector and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review.

(G) A smoke detector(s) shall be installed in each room where children are being cared for and all other areas that are deemed necessary by the fire inspector. Smoke detectors shall be in good operating condition and functional at all times. If smoke detectors are not operational due to neglect of maintenance, electrical battery backup interconnected smoke detectors shall be installed as required in 19 CSR 30-60.080(10)(I). If a smoke detector is replaced the director shall write the manufactured date on the side of the detector for the fire inspector to reference. That smoke detector shall be replaced with a new smoke detector after ten (10) years.

(H) All facilities shall have a manual fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn/strobe light shall be installed in a central location on each floor. Additional horns/strobe lights may be required by the fire inspector dependent upon the floor plan and arrangement of space. The battery backup control panel shall be Underwriter's Laboratory (UL) or Factory Mutual (FM) listed and installed on a circuit used only for this system in the electrical panel. The fire alarm system shall be installed and maintained in good working order. The fire inspector shall base the inspection of this system on the National Fire Protection Association Standards, *National Fire Alarm Code*. This does not apply to facilities housed in one (1) room only where all exit doors lead directly outside at level exit discharge. All wireless fire alarm systems shall be UL listed for commercial fire alarm equipment. All fire alarm systems shall be tested annually by a fire alarm company. A copy of the test report shall be kept on file at the facility and shall be available for review.

(I) In addition to meeting all the requirements of this rule, facilities inspected and areas approved for child care on or after the effective date of this rule shall meet the following requirements. If alterations are made in facilities that were inspected and approved prior to the effective date of this rule, those facilities shall meet these requirements in the altered space:

1. Facilities caring for forty-nine (49) or fewer children at one (1) time shall have smoke detectors installed in each room used by the children and in other locations as deemed necessary by the fire inspector. All smoke detectors shall be powered by the building's electrical system and have a battery backup. When more than one (1) smoke detector is required in a facility, they shall be arranged so that the activation of any detector causes the operation of an alarm in all detectors. This system may work independently from the manual fire alarm system;

2. Facilities caring for fifty (50) or more children at one time shall have a full coverage fire alarm system. Smoke detectors shall be installed in each room, throughout hallways, and in other locations as deemed necessary by the fire inspector. Heat detectors shall be installed in the attic, kitchen, mechanical rooms, and other locations as deemed necessary by the fire inspector. The fire alarm system shall be installed and maintained in good working order. The fire inspector shall base the inspection of this system on the National Fire Protection Association Standards, *National Fire Alarm Code*.

(J) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style, (i.e. battery detector replaced with a battery detector or hard wire detector, replaced with a hard wire detector.) The new smoke detectors shall have the manufactured date written on the side of the detector for the fire inspector to reference. All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service or recalibrated by the smoke detector's manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that fire alarm system service is not interrupted.

(K) Facilities using a commercial stove, deep fryer, two (2) home-type ranges placed side-by-side, home-type range or other appliance that produces grease-laden vapor, shall be equipped with a range hood and extinguishing system with an automatic fuel supply cut-off and exhaust system in case of fire. The fire inspector shall inspect these systems to ensure that they are in good working condition and are installed and maintained correctly. The inspector shall base this inspection on the National Fire Protection Association, Chapter 96, Standard for Fire Protection of Commercial Cooking Operations.

(L) Home-type stoves separated by an eighteen-inch (18") cabinet shall not be required to have an extinguishing system installed above them.

(M) Facilities that cook on a home-type range and have a menu that does not include frying or emitting a grease-laden vapor, shall not be required to install a fire extinguishment system above the range.

(N) The range hood fire extinguishment system shall be interconnected with the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm to activate throughout the building.

(O) Facilities caring for more than ninety-nine (99) children at one (1) time shall have a fire alarm system that notifies a monitoring company or the fire department. A copy of the contract with the monitoring company shall be on file at the facility and available for review by the fire inspector. At no time shall the facility be without a contract with the monitoring company.

(P) Facilities that have a supervised automatic fire sprinkler system installed shall have the system tested and approved annually by a fire sprinkler company. Sprinkler systems required by fire safety rules and regulations or meeting an approved equivalency shall not be taken out of service. Non-functional sprinkler system(s) not required by fire safety rules and regulations shall be removed or be functional as designed. A copy of the test report and approval of the system shall be kept on file at the facility and available for review. The test(s) shall be based on the National Fire Protection Association, Chapter 25, Standard for the Inspection, Testing, and Maintenance of Water Based Fire Protection Systems.

(11) Heating, Ventilating, Air Conditioning Equipment and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electrical space heaters, or floor furnaces shall not be used during child care hours. The owner shall sign a compliance letter verifying that such equipment will not be used.

(B) Heating equipment and radiators in areas occupied by children shall have partitions, screens, or other means to protect children from hot surfaces and open flames. If solid partitions are used, provisions shall be made to ensure adequate air for combustion and ventilation for heating equipment. Partitions shall be constructed of noncombustible material and shall not obstruct exit access.

(C) Combustible items shall not be stored within thirty-six inches (36") of a water heater, furnace or boiler.

(D) Wood heating systems shall not be used unless the system is installed outside the physical plant.

(E) Facilities with a water heater over two hundred thousand (200,000) British thermal units (Btus) per hour input or larger, or that is heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises.

(F) All water heaters shall have a properly sized nonadjustable pressure relief valve. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall not be restricted. The drip leg pipe shall be copper. In facilities inspected and approved prior to the effective date of this rule, Chlorinated PolyVinyl Chloride (CPVC) or copper pipe is acceptable for the drip leg pipe.

(G) All heating equipment shall be equipped with thermostatic controls and all gas heating equipment shall be vented properly with

a galvanized flue pipe with screws at every joint in the pipe or by material recommended by the manufacturer.

(H) Furnaces shall be vented properly. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. Galvanized pipe shall be secured by screws at every joint in the pipe.

(I) Joints in gas supply pipes shall be located outside the furnace cabinet housing.

(J) Furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(K) Furnace rooms and rooms containing water heaters shall have adequate combustion air for the units. The vent size openings for the combustion air shall be measured at one (1) square inch per one thousand (1,000) Btu input, if the combustion air is drawn from inside the structure, and one (1) square inch per four thousand (4,000) Btu input if the air is drawn from outside the structure. There shall be two (2) combustion air vent openings in each furnace room. One (1) opening shall be located at the lower level and the other at the upper level. One (1) combustion air vent opening shall be permitted if the vent opening extends directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btu input of the total gas appliances located in the room. The gas appliances shall have a clearance around them of one inch (1") from the sides and back and six inches (6") from the front of the unit.

(L) Furnace or air-handling equipment that has an air flow of two thousand (2,000) cubic feet of air per minute or more shall have a fan shut-down switch and duct smoke detectors that are interconnected with the fire alarm system.

(M) Suspended mounted ceiling furnaces that are not connected to a ductwork system shall not be mounted in or above the path of egress.

(N) Air conditioning, heating, ventilating ductwork and related equipment shall be installed safely and be in good operating condition as determined by the fire inspector. The fire inspector shall base this on the National Fire Protection Association, Chapter 90A, Standard for the Installation of Air Conditioning and Ventilating Systems, or National Fire Protection Association, Chapter 90B, Standard for the Installation of Warm Air Heating and Air Conditioning Systems, as applicable.

(O) In addition to meeting all the requirements of this rule, facilities inspected and areas approved for child care on or after the effective date of this rule shall meet the following requirements. If alterations are made in facilities approved prior to the effective date of this rule, those facilities shall meet these requirements in the altered space—

1. Gas shut-off valves shall be located next to all gas appliances, furnaces, and water heaters; and

2. If a furnace or water heater is located inside a garage, it shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room as provided in 19 CSR 30-60.080(8)(D);

3. Floor furnaces shall have noncombustible protective guards installed around them and shall be located so they do not block access to an exit from any area of the approved child care space.

(P) All elevators and dumb waiters shall be inspected annually by a state licensed elevator inspector and obtain a current state operating permit from the Division of Fire Safety.

(12) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the fire inspector considers the wiring to be unsafe for the occupants or it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, *National Electrical Code*.

(B) Protective covers or inserts for electrical receptacles shall be installed in all areas occupied by children.

(C) Electrical extension cords shall not be used unless approved in writing by the fire inspector.

(D) Combustible items shall not be stored within thirty inches (30") of electrical disconnect panels or switching boxes.

(13) Equivalency Concepts.

(A) Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 210.252.5, RSMo 2000. This rule was previously filed as 19 CSR 40-60.080. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.080 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-four thousand sixty-four dollars (\$44,064) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities thirty-eight thousand nine hundred eighteen dollars (\$38,918) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.080 Fire Safety
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services/ Department of Public Safety	\$44,064 annually

III. WORKSHEET

(Total Department of Public Safety Costs for all BCC fire inspections) X (% of Department of Public Safety workload from the fire inspections of Inspected Facilities) = Annual Cost for implementing this rule

$(\$367,200) \times (12\%) = \$44,064.$

IV. ASSUMPTIONS

1. Department of Public Safety/Inspection Unit total budget is \$540,000.
2. BCC fire inspections are 68% of the unit's total work load at a cost of \$367,200.
3. Inspected Facility programs represent approximately 12% of the Fire Inspection Unit's total BCC fire inspections.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.080 Fire Safety
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
9	Inspected Child Care Facilities	\$38,918.00 annually

III. WORKSHEET

(Number of affected facilities) X (Average cost of modifications listed below) = Building modification aggregate

- Number of affected facilities X Cost of ceiling modification = \$2,000.00.
- Number of affected facilities X Cost of remote exit doors and direct infant/toddler exit = \$3,000.00.
- Number of affected facilities X Cost of fire barriers between levels = \$2,100.00.
- Number of affected facilities X Cost of 44" exit doors = \$600.00
- Number of affected facilities X Cost of emergency lighting = \$280.00.
- Number of affected facilities X Cost of lighted exit signs = \$140.00.
- Number of affected facilities X Cost of panic hardware = \$100.00.
- Number of affected facilities X Cost of manual pull stations = \$2,100.00.
- Number of affected facilities X Cost of full coverage alarm systems = \$2,500.00.
- Number of affected facilities X Cost of fire alarm directly transmitted to fire department = \$500.00.
- Number of affected facilities X Cost of smoke detectors = \$105.00.
- Number of affected facilities X Cost of carbon monoxide detectors = \$400.00.
- Number of affected facilities X Cost of fire extinguishers = \$225.00.
- Number of affected facilities X Cost of range hood @ \$2,500.00.

Total = \$20,550.00

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Monitoring aggregate.

(574) X (4) X (\$8.00) = \$18,368.00 Monitoring aggregate cost.

Modification aggregate + Monitoring aggregate = Total aggregate cost

\$20,550.00 + \$18,368.00 = \$38,918.00

IV. ASSUMPTIONS

1. This proposed rule will not affect the 565 currently inspected facilities per provisions allowed in the "Grandfather Clause".
2. BCC estimates 9 new inspected facilities will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
3. The building modifications for compliance with fire safety rules include these estimated expenses:
 - \$2,000.00 for minimum ceiling heights (7'6") in ten (10) percent of the nine (9) newly inspected facilities.
 - \$300.00 for fire barriers between levels, other areas of the building and high risk rooms, e.g. furnace room in eighty (80) percent of the nine (9) newly inspected programs.
 - \$500.00 for two remote exits from all child care space in twenty (20) percent of the nine (9) newly inspected programs.
 - \$20.00 for lighted exit signs with battery backup in eighty (80) percent of the nine (9) newly inspected programs.
 - \$100.00 for panic hardware on all exit doors in facilities with a capacity of 100+ in ten (10) percent of the nine (9) newly inspected programs.
 - \$40.00 for emergency lighting in eighty (80) percent of the nine (9) newly inspected programs.
 - \$300.00 for 44" exit doors in facilities with a capacity of 50+ children which is expected to be twenty (20) percent of the nine (9) newly inspected facilities.
 - \$1,000.00 for direct exit to the outdoors for all infant/toddler care in twenty (20) percent of the nine (9) newly inspected facilities.
 - \$100.00 for installation and maintenance of carbon monoxide detectors in forty (40) percent of the nine (9) newly inspected facilities.
 - \$25.00 for fire extinguishers in the nine (9) newly inspected facilities.
 - \$300.00 for manual pull stations and \$15.00 for smoke alarms in eighty (80) percent of the nine (9) newly inspected facilities.
 - \$2,500 for full coverage alarm systems in ten (10) percent of the nine (9) newly inspected facilities.
 - \$500.00 for fire alarm directly transmitted to fire department for facilities with a capacity of 100+ which is expected to be ten (10) percent of the nine newly inspected facilities.
 - \$2,500.00 for range hood with automatic fuel shutoff in ten (10) percent of the nine (9) newly inspected facilities.
4. BCC estimates that twenty (20) percent of the nine (9) newly inspected facilities will be required to procure and submit to the State Fire Marshal a full set of construction plans for building and remodeling @ \$2000.00 cost for each facility.
5. Facility director's annual salary is estimated at \$16,640 per year (\$8.00 per hour).
6. BCC estimates the facility director in the 574 total number of annually inspected facilities will spend four (4) hours each year to write/ post evacuation plans throughout the building, conduct/record monthly fire drills and participate in the process for annual fire safety inspection of the facility.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.090 Sanitation Requirements. This rule established the requirements for maintaining proper sanitation in license-exempt child care facilities.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.090. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.090 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.090 Sanitation

PURPOSE: This rule establishes the sanitation requirements for inspected child care facilities.

NOTE: Current rules with a "grandfather clause" will be identified by the symbol (GF) after the affected rule.

(1) The following definitions shall be used in interpreting this rule:

(A) "Approved food service source" is a food service establishment inspected and approved by a federal, state or local health agency.

(B) "Approved sanitizer" is a sanitizing product approved for use on food contact surfaces or a product that is labeled with instructions from the manufacturer for use on food contact surfaces.

(C) "Catered food" is food prepared by an approved source not located at the child care facility and that is transported to the child care facility.

(D) "CCA treated lumber" is lumber treated with a pressurized solution containing copper chromates and arsenic.

(E) "Child contact item" is any item a child might touch or with which a child might come into physical contact.

(F) "Cross-contamination" is the transfer of infectious microorganisms or chemicals from one source to another.

(G) "Commercial dishwasher" is an automatic mechanical dishwasher that meets the equipment requirements described in the 1999 Missouri Food Code.

(H) "Community water system" is a public water system that has at least fifteen (15) service connections or regularly serves at least twenty-five (25) residents on a year round basis.

(I) "DNR" is the Missouri Department of Natural Resources.

(J) "Domestic well" is a private water supply well that is constructed to meet minimum standards and is equipped with a pump that does not have the capacity to produce more than seventy (70) gallons of water per minute and services three (3) or less service connections. A multifamily well for the purposes of this rule shall be considered a domestic water supply.

(K) "Family style food service" is an interactive method of food service in which adults and children sit together and the children serve their own food with adult supervision.

(L) "Food contact surface" is any equipment, surface or utensil that may come into contact with food during storage, preparation, distribution and serving of food. This includes, but is not limited to, dry storage shelves, refrigerator shelves, cutting boards, tables, utensils, food storage containers and high chairs.

(M) "Food grade containers" are containers that are composed of durable, corrosion-resistant nonabsorbent materials that will not affect the characteristics of food. They must be sufficient in weight and thickness to withstand repeated washing. Must have a smooth, easily cleanable surface and be resistant to pitting, chipping, cracking, scratching, scoring, distortion and decomposition and must not allow the migration of deleterious substances or impart colors, odors or tastes to food.

(N) "Food preparation" is the act of handling or processing food for consumption. Food preparation includes, but is not limited to, adding water to formula or concentrated food, adding milk to cereal, cooking or warming food, heating food in a microwave, slicing fruits and vegetables, preparing sandwiches and transferring food from packages or containers to plates.

(O) "Food preparation sink" is a sink used exclusively for preparing foods, such as rinsing fruits and vegetables or obtaining water for mixing cereals, formula or for drinking.

(P) "Food-related items" are items such as paper towels and napkins, single service items, and any food preparation or food service utensils, and any other item or surface that may come in contact with food.

(Q) "Friable" refers to materials that are easy to crumble or pulverize.

(R) "Hand washing sink" is a basin equipped with mixing faucets or a combination faucet that dispenses hot and cold running water that is under pressure and can be tempered. The hand washing sink is not used for food preparation.

(S) "Hazard" is a biological, chemical or physical source of endangerment, injury or harm.

(T) "High hazard cross-connection" is any connection to a potable water supply that will allow entry of a dangerous substance.

(U) "Multifamily well" is a private water supply well constructed for the purpose of serving more than three (3) dwellings but having less than fifteen (15) service connections and serving less than twenty-five (25) individuals daily at least sixty (60) days out of the year.

(V) "Nontransient noncommunity water system" is a public water system that is not a community water system which has at least fifteen (15) service connections or regularly serves at least twenty-five (25) of the same individuals over six (6) months per year.

(W) "On-site sewage system" is a sewage handling and treatment system receiving domestic sewage that discharges into a subsurface soil absorption system and discharges less than three thousand (3,000) gallons per day or is a waste water stabilization pond regulated by the Department of Natural Resources.

(X) "Pesticides" are any chemicals that are used to kill insects, weeds and vermin.

(Y) "Pooled eggs" are two (2) or more raw eggs combined for consumption such as scrambled eggs.

(Z) "PPM" is parts per million and relates to the ratio of a sanitizing agent to the water with which it is mixed.

(AA) "Potable water" is water that is tested by a laboratory and determined safe for consumption.

(BB) "Potentially hazardous foods" are perishable foods that consist in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients including synthetic ingredients, in a form capable of supporting rapid and progressive growth of disease causing organisms.

(CC) "Psittacosis" is a pneumonia-like upper respiratory disease found in birds of the parrot family that is transmittable to humans. It is sometimes fatal in immuno-compromised persons such as young children.

(DD) "Public water supply" is a piped water supply having fifteen (15) or more service connections or serving twenty-five (25) or more people at least sixty (60) days out of the year. It may either be a community water system, transient noncommunity water system or a non-transient noncommunity public water system.

(EE) "Sanitary hand drying" is the use of disposable paper towels, forced air blowers or single use cloth towels to dry hands after hand washing.

(FF) "Sanitizing" is effectively treating cleaned (washed and rinsed) surfaces of equipment and utensils by a Bureau of Child Care (BCC) approved process that reduces the population of disease causing organisms to a safe level.

(GG) "Single service food items" are any items intended only for one (1) time use then discarded, such as plastic cutlery, paper plates, aluminum pie plates or Styrofoam items.

(HH) "Utensils" are any tableware or kitchenware used in the storage, preparation, serving or conveying of food.

(2) General Requirements.

(A) The premises shall be clean, orderly and free of unsanitary conditions.

(B) Walls, ceilings, and floors shall be in good condition and, free from splinters, cracks, chipping paint, bare concrete, and dampness. They shall be finished with material that can be cleaned easily.

(C) Equipment shall be easily cleanable and in good condition.

(D) Tape shall not be used to repair food contact surfaces, diapering surfaces, toilet seats or potty chairs.

(E) The following shall occur before any child or group of children begins an activity at a water play table or water basin:

1. The water play table/basin shall be washed, rinsed, and sanitized with a solution of one hundred (100) ppm of chlorine bleach to water one (1) teaspoon of bleach to one (1) gallon of water);

2. Toys shall be washed before being placed in the water play table/basin;

3. Children shall wash their hands before and after the water play activity;

4. The water play table/basin shall be emptied when water play is over; and

5. Toys shall be washed and the water play table/basin shall be washed, rinsed, and sanitized before the next group uses the water play table/basin or before the next water play activity takes place.

(F) Personal care items and purses shall be stored in areas not accessible to children and away from food/child contact surfaces.

(G) Children's personal items shall be stored individually to prevent cross-contamination and shall be individually labeled with each child's name.

(H) Children's bedding shall be stored so it does not contact other children's bedding.

(I) The facility shall be well ventilated, free of molds and noxious or harmful odors.

(J) Windows and doors used for ventilation shall have screens in good repair.

(3) Environmental Hazards.

(A) The premises shall be free of environmental hazards.

(B) The premises and equipment shall be free of friable asbestos.

(C) The premises shall be free of hazardous levels of radon.

(D) The premises and equipment shall be free of lead hazards. Only lead-free paint shall be used.

(E) Toxic or dangerous plants shall not be accessible to children.

(F) Pesticides shall not be applied while children are in care. Pesticides shall be used and stored in full compliance with the manufacturer's labeling.

(G) All equipment and toys shall be washed and rinsed after the premises is treated with pesticides.

(H) Aerosol sprays shall not be used to mask odors.

(I) All outdoor equipment constructed of CCA treated lumber shall be treated annually with an oil-based waterproof sealant.

(J) Air filters and vents for heaters and air conditioners shall be cleaned or changed as needed.

(K) The facility shall contact the bureau before beginning any remodeling or new construction.

(4) Pest Control.

(A) There shall be no evidence of insects, spiders, rodents or pest harborage.

(B) All openings to the outside shall be sealed to prevent insects and rodents from entering.

(C) Piles of refuse, building materials and other materials shall be stored, maintained and vegetation cut to prevent rodent and insect harborage.

(D) Mosquito breeding areas, such as containers or puddles of standing water, shall be eliminated.

(5) Storage of Medicine and Other Dangerous or Toxic Items.

(A) Medicine, toxic agents and cleaning agents shall be stored to prevent access by children and to prevent cross-contamination of food, food-related items and child contact items.

(B) Medicine, cleaning agents and toxic agents, shall be stored separately from each other.

(C) Refrigerated medicine shall be in nonporous containers with lids or sealed bags and stored in a manner that prevents contamination of food.

(D) Medicine may be stored in kitchen cabinets over food and food contact surfaces if in a spill-proof nonporous container with a lid or in sealed bags.

(E) Toxic agents shall be stored and used in full compliance with the manufacturer's labeling.

(F) Toxic agents and cleaning agents not stored in their original containers shall be labeled indicating the contents.

(G) Child contact items shall be stored to prevent cross-contamination by pesticides, personal care items and wastewater drain lines.

(H) After use, syringes, needles, epi-pens and other "sharps" shall be placed in a disposable container approved by the Environmental Protection Agency (EPA) for this purpose.

(6) Animals and Pets.

(A) Any pet or animal present at the facility, indoors or outdoors, shall be in good health and show no evidence of carrying any disease communicable to humans.

(B) Any cat or dog on the premises shall be vaccinated for rabies, and proof of current compliance shall be on file at the facility.

(C) Ferrets, turtles, iguanas, lizards and other reptiles, or any wild or dangerous animals shall not be kept on the premises.

(D) Birds shall be caged at all times during child care hours.

(E) Bird cages shall be cleaned daily after child care hours.

(F) Birds of the parrot family, (psittacine birds) shall not be on the premises unless the following conditions are met:

1. The birds are tested for psittacosis and determined free of disease;

2. Birds that test positive shall be excluded until the test is negative;

3. If a bird is exposed to other birds after initial testing an annual test is required;

4. Birds of the parrot family new to the facility shall be tested before entering the facility; and

5. Documentation of the test results shall be kept at the facility.

(G) Areas used by children shall be free of animal excrement.

(H) All animals shall be excluded from areas where food is prepared, stored or served.

(I) Food dishes, water dishes, and litter boxes used by animals shall not be located in any area used by or accessible to children or in any area where food is prepared, stored, or served.

(J) Pets' litter boxes shall be changed daily after child care hours.

(K) Animal living quarters, pens, cages and the surrounding area shall be easily cleanable and shall be kept clean and odor free.

(L) Pets' cages and tanks shall not be cleaned on the playground or in sinks used for hand washing, food preparation, or utensil and food equipment washing, rinsing, and sanitizing.

(7) Swimming and Wading Pools.

(A) Swimming and wading pools used by children shall have a water filtration system. The water in swimming and wading pools shall be treated, cleaned and maintained in accordance with health practices and rules as determined by the local and/or health authority.

(B) Children shall use only swimming and wading pools that have been tested to determine that the water quality is safe.

(C) The facility shall test swimming and wading pools used by children on the premises as follows:

1. The bacterial level in the water shall be determined safe before initial use;

2. Free chlorine levels shall be maintained between one (1.0) ppm and three (3.0) ppm;

3. The pH level shall be maintained between 7.2 and 7.8; and

4. Free chlorine and pH tests shall be made and recorded daily.

(D) Non-toilet trained children shall wear adequate protective clothing to ensure that fecal contamination is prevented.

(E) Pool chemicals shall not be used when children are in the pool area. Pool chemicals shall be stored in a locked area and inaccessible to the children.

(8) Sewage Disposal.

(A) Sewage disposal systems or sewage treatment systems shall not present a hazard to the health of the children in care.

(B) Child care facilities using sewage systems regulated by DNR shall comply with all applicable laws and rules of that agency.

(C) Child care facilities using on-site sewage systems not regulated by DNR shall meet all applicable local codes.

(D) When local codes are not in effect, on-site sewage disposal systems shall be regulated by the department and shall meet all provisions of sections 701.025 to 701.059, RSMo. (GF)

(E) On-site systems regulated by the department shall not have surfacing or discharging effluent, contamination of surface or ground water, production of odors or the creation of a habitat for insect breeding.

(F) Malfunctioning on-site sewage systems regulated by the department shall be renovated according to 19 CSR 20-3.060 "Minimum Construction Standards for On-site Sewage Disposal Systems."

(9) Water Supply.

(A) All child care facilities shall be connected to a source of safe water supplied throughout the facility in amounts that meets the needs of the facility.

(B) Public water supply systems shall meet applicable Department of Natural Resources laws and rules.

(C) Domestic water wells shall be constructed and located according to the "Missouri Well Construction Rules" 10 CSR 23-3.010-10 CSR 23-3.110.

(D) The department shall annually test the water quality of all domestic, multifamily, nontransient noncommunity water supplies for bacteriological contamination.

(E) Domestic wells not meeting satisfactory bacteriological water test results following collection of two (2) consecutive samples shall provide a permanent disinfection process approved by the bureau.

(F) Facilities with domestic, nontransient noncommunity water supplies that care for children less than two (2) years of age shall have an annual nitrate test with a reading of less than ten (10) ppm.

(G) Facilities shall comply with boil water orders issued by the state and/or local water authority.

(H) Water systems shall be free of high hazard cross-connections.

(I) All water supply systems shall meet local codes.

(J) Temporary use of bottled water due to an unsafe water supply shall be permitted only with approval of the bureau.

(10) Drinking Water.

(A) Drinking water supplies serving child care facilities shall provide bacteriologically safe drinking water.

(B) Drinking water shall be from an approved source which shall include drinking fountains, food preparation sinks and commercially bottled water.

(C) There shall be a minimum distance of eighteen inches (18") between drinking fountains and hand washing sinks.

(D) Drinking fountains shall have an angled water jet and an orifice guard above the rim of the fountain. Water pressure shall assure that the water jet does not contact the orifice or splash on the floor but shall rise at least two inches (2") above the orifice guard.

(E) Pitchers used for drinking water shall be covered with a lid.

(F) Other portable water dispensing devices independent of the permanent water supply shall have paddle type spigots.

(G) All portable water dispensing devices shall be washed, rinsed and sanitized daily.

(11) Sinks.

(A) All sinks shall be equipped with mixing faucets or combination faucets with hot and cold running water under pressure.

(B) Sinks used for child care shall not have separate hot and cold running water faucets.

(C) Hot water temperature at sinks accessible to children shall be within a range of one hundred degrees Fahrenheit (100°F) to one hundred twenty degrees Fahrenheit (120°F). The caregiver shall check temperatures monthly using a bayonet metal stemmed thermometer and make adjustments if necessary.

(D) Sinks that are equipped with automatic shut-off valves shall have a minimum of fifteen (15) second hold time.

(E) Hand washing sinks shall not be used for food preparation.

(F) Food preparation sinks shall not be used for hand washing.

(G) All hand washing sinks shall have soap and paper towels accessible to the user.

(12) Hand Washing.

(A) Caregivers shall use the correct method for hand washing that includes:

1. Washing for a duration of at least twenty (20) seconds;

2. Using soap and warm running water; and

3. Sanitary hand drying.

(B) Multiple-use or shared hand drying towels shall not be used.

(C) If bar soap is used, it shall be stored in a self-draining container.

(D) Paper towels or other single use towels shall be stored so that they are not contaminated by splash.

(E) Caregivers and volunteers shall wash their hands as needed including:

1. Upon arrival at the facility or when moving from one (1) child care group to another;

2. Before and after:

- A. Eating;
- B. Handling food;
- C. Feeding a child;
- D. Performing first aid; and
- E. Dispensing medication.

3. After:

- A. Using the toilet;
- B. Assisting a child with toileting;
- C. Changing diapers;
- D. Coughing, sneezing or wiping a nose;
- E. Handling soiled laundry;
- F. Handling pets and other animals and animal contact items.

(F) Caregivers shall assure that children wash their hands as needed, including:

1. Before and after eating and/or participating in food activities;

2. After:

- A. Diapering;
- B. Using the toilet;
- C. Coughing, sneezing, wiping and blowing nose;
- D. Handling pets and other animals and animal contact items;
- E. Playing in a water play table; or
- F. Coming indoors from outdoor play.

(G) Caregivers shall teach children the correct method for hand washing that includes:

- 1. Washing for a duration of at least twenty (20) seconds;
- 2. Using soap and warm running water; and
- 3. Sanitary hand drying.

(H) Sanitizing hand gels and commercially prepared wipes shall not be used as a substitute for hand washing when soap and warm running water are available.

(13) Toothbrushing.

(A) If toothbrushing occurs at the facility, the following procedures shall be followed:

- 1. Toothbrushes shall be in good condition and shall be individually labeled with the child's name;
- 2. Toothbrush holders and racks shall be washed, rinsed and sanitized when visibly soiled or as needed;
- 3. Toothpaste shall be dispensed in a manner that prevents contamination from toothbrush to toothbrush;
- 4. Children may brush their teeth at the children's hand washing sink if the sink and faucets have been washed, rinsed and sanitized prior to and after the toothbrushing;
- 5. Toothbrushes, cups and toothpaste shall be stored out of the reach of children;
- 6. Toothbrushes and cups shall not be stored in the bathroom;
- 7. Toothbrushes shall be air dried and stored to prevent contamination. Toothbrush covers that allow the toothbrush to air dry may be used; and
- 8. Any cups used with toothbrushing shall be single service or individually assigned. Any individual cups shall be washed, rinsed and sanitized after each use.

(14) Food Protection.

(A) Persons preparing or serving food shall be free of infected cuts on the hands and free of diarrheal illnesses.

(B) All food shall be from an approved food service source and shall be in sound condition. Food shall not be served from excessively dented or swollen cans.

(C) Home canned foods shall not be used. Properly protected fresh or frozen fruits and vegetables from private uninspected sources may be used.

(D) Unpasteurized milk and fruit juices shall not be used.

(E) All potentially hazardous foods shall be stored at temperatures of forty-one degrees (41°F) Fahrenheit and below or one hundred

forty degrees Fahrenheit (140°F) and above, except during necessary periods of food preparation.

(F) Refrigerated potentially hazardous food shall be properly marked with a seven (7) day discard date after opening or preparation.

(G) Refrigerated potentially hazardous food not marked with a discard date shall not be served to the children in care.

(H) Serving and storage of milk, breast milk and formula shall comply with the following:

1. Prepared bottles shall be refrigerated immediately upon arrival at the facility;

2. A bottle that has been fed over a period that exceeds an hour from the beginning of the feeding or has been unrefrigerated an hour or more shall not be served to an infant;

3. Prepared bottles that have not been used shall be discarded or returned to the parent at the end of each day;

4. Opened containers of ready-to-feed or concentrated liquid formula shall be dated when opened, covered, refrigerated, and any unused portion discarded or returned to the parent after forty-eight (48) hours;

5. Powdered formula shall not be used beyond the product shelf date; and

6. Unfrozen breast milk that has not been used shall be returned to the parent at the end of each day.

(I) The refrigerator temperature shall be forty-one degrees Fahrenheit (41°F) or below.

(J) A thermometer shall be located within the refrigerator to measure the air temperature in the forward most section of the unit. It shall be positioned so that it is immediately readable when the refrigerator is opened. The thermometer shall be numerically scaled and accurate within plus or minus three degrees Fahrenheit ($\pm 3^\circ\text{F}$).

(K) Food stored in the freezer shall be frozen solid.

(L) Food shall be thawed by one (1) of the following methods:

1. Under refrigeration at forty-one degrees Fahrenheit (41°F) or below; or

2. Under seventy degrees Fahrenheit (70°F) or below continuously running water; or

3. In a microwave if it is part of the continuous cooking process.

(M) Potentially hazardous foods shall be cooked to the following internal temperatures:

1. Ground beef—one hundred fifty-five degrees Fahrenheit (155°F);

2. Poultry and pooled eggs—one hundred forty-five degrees Fahrenheit (145°F);

3. Pork—one hundred forty-five degrees Fahrenheit (145°F);

4. All other foods—at least to one hundred forty-five degrees Fahrenheit (145°F) or as specified by the Missouri Food Code;

5. Precooked food shall be reheated to one hundred sixty-five degrees Fahrenheit (165°F);

6. All hot foods shall be held at one hundred forty degrees Fahrenheit (140°F) or above.

(N) The facility shall have a metal stemmed bayonet type thermometer that is numerically scaled in two-degree (2°) increments to check the internal temperature of potentially hazardous foods. The thermometer shall be accurate within plus or minus two degrees Fahrenheit ($\pm 2^\circ\text{F}$) with a range of zero degrees Fahrenheit to two hundred twenty degrees Fahrenheit (0°F – 220°F). Electronic digital type bayonet thermometers may also be used for this purpose.

(O) Food temperatures shall be checked during preparation and while maintaining temperature prior to serving.

(P) Meat and candy thermometers shall not be used to check food temperatures.

(Q) Food, food-related items and utensils shall be stored to prevent contamination by pests, pesticides, toxic agents, cleaning agents, water drain lines, medicines, dust and splash including during times of preparation and display.

(R) Food shall be stored in containers that protect it from contamination.

(S) Food and food-related items shall be stored off the floor.

(T) Cooked food or food needing no further preparation shall not be stored under raw foods such as meats.

(U) Utensils shall be stored so that handles are presented to the user.

(V) Foods needing no further cooking shall not be handled with bare hands. Serving utensils, deli paper, napkins, food service gloves or other means can be used to meet this requirement.

(W) Food, toxic agents and cleaning agents not stored in their original containers shall be labeled indicating the contents.

(X) Food shall be stored only in food grade containers.

(Y) Single use items such as aluminum foil pans, zip lock bags and bread wrappers may not be re-used to store other foods.

(Z) Plastic bags manufactured as refuse bags shall not be used to store food.

(AA) Only food containers in good repair may be used.

(BB) Food shall not be prepared and food-related items and utensils shall not be stored in diapering areas, or bathrooms.

(CC) Containers for soiled diapers shall not be stored in the food preparation area.

(DD) Soiled laundry shall not be stored in the food preparation or food storage areas.

(EE) Soiled laundry shall be stored in nonabsorbent containers or washable laundry bag until removed for laundering.

(FF) Soiled laundry shall not be stored in the kitchen.

(GG) Only unopened packaged foods and unopened packaged single service articles may be stored in a laundry room.

(HH) Clothes dryer vents shall not be vented into the child care space.

(II) Eating, smoking or drinking shall not be permitted during food preparation.

(JJ) Food served family style or food placed for self-service to children and not eaten, shall not be re-served to the children in care.

(15) Cleaning and Sanitizing.

(A) The three (3)-step method of sanitizing (wash-rinse-sanitize) shall be used when sanitizing is required.

(B) Sanitizing equipment used in diapering/bathroom areas shall not be used in food preparation/serving areas.

(C) All food equipment, utensils and food contact surfaces shall be washed, rinsed and sanitized with approved sanitizers after each use.

(D) If bleach is used as the approved sanitizer, it shall be liquid, unscented household bleach and it shall be used in the following concentrations:

1. Immersion for ten (10) seconds in a fifty to one hundred (50–100) parts per million (approximately one-half (1/2) teaspoon) per gallon solution of water.

2. Clean-in-place—one hundred to two hundred (100–200) parts per million (approximately one (1) teaspoon) per gallon of water with a contact time of at least ten (10) seconds.

(E) All other approved sanitizers used shall have instructions on the product label specifically for use on food contact surfaces or the caregiver shall obtain written sanitizing instructions regarding food contact surfaces from the manufacturer. All manufacturer instructions regarding concentrations and sanitizing procedures shall be followed.

(F) Quaternary ammonias may be used as an approved sanitizer if they are free of dyes and fragrances and labeled for use on food contact surfaces.

(G) Test strips shall be available and used to check the proper concentration of all sanitizing agents.

(H) After washing, rinsing and sanitizing all utensils, plates, cups, and toys shall be air dried on nonabsorbent materials before being stored.

(I) The following items shall be washed, rinsed and sanitized after each use with an approved sanitizer in appropriate concentrations:

1. Food utensils;

2. Food contact surfaces (counter tops, tables, etc.);

3. High chairs;

4. Potty chairs and adaptor seats;

5. Diapering surfaces;

6. Toys that have been contacted by body fluids.

(J) The following items shall be washed, rinsed and sanitized daily with approved sanitizers in the appropriate concentrations:

1. Commodes, urinals, hand washing sinks, and diapering containers;

2. Nonabsorbent floors in infant/toddler space; and

3. Infant/toddler toys used during the day.

(K) All napping equipment surfaces and coverings shall be sanitized weekly, when soiled or wet, and prior to assignment to another child.

(L) Carpets and floors shall be spot washed, rinsed and sanitized with approved sanitizers in appropriate concentrations when contacted by body fluids.

(M) Facilities shall not install clothes washers and dryers in the food preparation and storage area.

(16) Food Equipment.

(A) Single service items such as plastic utensils and Styrofoam or paper cups or plates shall be used only once.

(B) All food equipment shall be in good repair.

(C) Cracked, pitted or scratched utensils shall not be used.

(D) Food preparation and storage areas shall be equipped with adequate lighting.

(E) A buildup of grease-laden vapors on floors, ceilings or walls requires that a commercial hood ventilation system be installed. Equipment that produces excessive heat, grease-laden vapors or moisture shall be vented properly.

(F) Carpeting and absorbent flooring materials shall not be used in the food preparation area.

(G) All facilities shall have adequate mechanical refrigeration units that are used only by the child care program. (GF)

(H) Facilities that prepare food shall have adequate preparation and storage equipment for hot foods.

(I) Crock pots (slow cooking devices) shall not be used for cooking potentially hazardous foods. They may be used to maintain hot temperatures of potentially hazardous foods.

(J) The facility shall have two (2) sinks located in the food preparation area designated, labeled and used exclusively for:

1. Hand washing only; and

2. Food preparation only.

(K) Facilities with a capacity of twenty (20) children or fewer shall have dish washing equipment as follows: (GF)

1. A mechanical dishwasher that sanitizes by reaching one hundred sixty degrees Fahrenheit (160°F); or

2. A mechanical dishwasher that sanitizes by use of chemicals; or

3. A mechanical dishwasher cycle followed by a sanitizing rinse in a separate sink or compartment; or

4. A three (3)-compartment sink; or

5. A two (2)-compartment sink with a third portable compartment for the final sanitizing step.

6. All sinks or compartments must be large enough to accommodate the largest utensil used.

(L) Facilities with a capacity of more than twenty (20) children shall have: (GF)

1. Separate food preparation and storage areas from the family food preparation and storage areas, if applicable;

2. A three (3)-compartment sink, or a commercial dishwasher which meets the 1999 Missouri Food Code 4-204.113–118;

3. Sink compartments used for dish washing shall be large enough to accommodate the largest utensil used.

(17) Catered Foods Requirements.

(A) All catered foods shall be from an inspected and approved source.

(B) Equipment shall be used to maintain safe food temperatures and prevent contamination of food during transportation and holding.

(C) The licensee shall ensure that food arrives at a safe temperature and is maintained at a safe temperature until it is served.

(D) Staff shall check temperatures with a metal stem bayonet thermometer as described.

(E) Facilities using catered food exclusively shall be equipped with a hand washing sink located in the kitchen/food preparation area that is accessible at all times for use during snack and meal time.

(F) A facility that does not use single service utensils exclusively shall meet the appropriate dish washing equipment requirements based on the capacity set forth in 19 CSR 30-62.090(16).

(G) Facilities that exclusively use single service items and do not sanitize dishes or other food containers such as pots and pans, shall install equipment based according to its capacity in order to sanitize toys. (GF)

(18) Bathroom Requirements.

(A) Facilities shall have bathrooms enclosed with full floor-to-ceiling walls and solid doors. Doors shall be closed when bathroom is not in use. (GF)

(B) Fixtures and dispensing equipment shall be accessible to the children, in working order and in good repair.

(C) Paper towels shall be stored and dispensed in a manner that minimizes contamination.

(D) A hand washing sink shall be located inside or within eight feet (8') outside the door of the bathroom.

(E) Kitchen sinks shall not be used to wash hands after toileting or diapering.

(F) Bathrooms shall be cleaned as needed or at least daily.

(G) Bathrooms shall have sufficient lighting to allow proper cleaning.

(H) Facilities shall have mechanical ventilation in all bathrooms. (GF)

(I) Carpeting shall not be used in bathrooms.

(J) Potty chairs shall be located and used in the bathroom.

(19) Requirements for Infant/Toddler Units.

(A) Units shall have a sink that is designated, labeled and used for food and bottle preparation. This sink shall be separated by at least eighteen inches (18") from any hand washing sink or diapering area. (GF)

(B) All food-related utensils, which are to be reused at the facility, shall be washed, rinsed and sanitized after each use with proper methods and equipment as required in 19 CSR 30-60.090(15).

(C) Hand washing sinks shall not be used for any other purpose such as rinsing bottles, pacifiers, toys, or other items that children may mouth.

(D) All toys shall be washed, rinsed and sanitized after being placed in a child's mouth or otherwise contaminated by body secretion or excretion. They must be set aside until they are washed, rinsed, sanitized and air dried by hand or in a mechanical dishwasher in accordance with the requirements of 19 CSR 30-60.090(16).

(20) Diapering Area Requirements.

(A) Diapering surfaces shall be nonabsorbent, smooth (non-textured), easily cleanable and in good repair free of cracks, tears and holes.

(B) Hand washing sinks with warm running water shall be located within eight feet (8') of the diapering surface.

(C) Soap and paper towels shall be immediately accessible to the hand washing sink at all times.

(D) Diapering supplies shall be located in the diapering area and inaccessible to children.

(E) A container with a tight fitting lid shall be used to hold wet or soiled disposable diapers. Soiled disposable diapers shall be discarded daily. The container shall be stored in the diapering area.

(F) If cloth diapers are used, they shall be stored in airtight plastic bags and removed from the building daily.

(G) Food preparation shall not occur in the diapering area.

(H) Food-related items or utensils shall not be stored in the diapering area.

(I) Staff shall be prohibited from going through a door or other barrier to wash their hands after diapering. (GF)

(21) Refuse Disposal.

(A) The facility shall have an adequate number of containers that are clean, nonabsorbent and in sound condition.

(B) Outside refuse areas shall be clean, with containers covered at all times.

(C) Inside containers with food or body fluids shall be covered when not in use.

AUTHORITY: section 210.252.5, RSMo 2000. This rule was previously filed as 19 CSR 40-60.090. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.090 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-nine thousand eight hundred eight dollars (\$99,808) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities twenty thousand nine hundred seventy-six dollars (\$20,976) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.090 Sanitation
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$99,808 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (12\%) \times (16\%) = \$99,808.$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 16% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.090 Sanitation
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
9	Inspected Child Care Facilities	\$20,976.00 annually

III. WORKSHEET

(Number of affected facilities) X (Average cost of modifications listed below) =
Building modification aggregate

- Number of affected facilities X Cost of asbestos inspection = \$300.00.
- Number of affected facilities X Cost of adding ventilation system for radon correction= \$1500.00.
- Number of affected facilities X Cost of lead abatement= \$500.00.
- Number of affected facilities X Cost of adding mixing faucets = \$100.00
- Number of affected facilities X Cost installing handwashing sink in the food preparation area= \$300.00.
- Number of affected facilities X Cost of installing three-compartment dishwashing sink or commercial dishwasher = \$2000.00.
- Number of affected facilities X Cost of to install mechanical ventilation in bathrooms = \$300.00.
- Number of affected facilities X Cost of installing handwashing sink in diapering area = \$200.00.

Total = \$7200.00

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Monitoring aggregate.

(574) X (3) X (\$8.00) = \$13,776.00 Monitoring aggregate cost.

Modification aggregate + Monitoring aggregate = Total aggregate cost
\$7200.00 + \$13,776.00 = \$20,976.00

IV. ASSUMPTIONS

1. This proposed rule will not affect the 565 currently inspected facilities per provisions allowed in the "Grandfather Clause".

2. BCC estimates 9 new inspected facilities will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
3. Based on statistical data from inspections in the 565 currently inspected facilities, BCC estimates the following building modification expenses for new facilities to comply with sanitation rules:
 - \$300.00 for asbestos inspection in ten (10) percent of the nine (9) newly inspected facilities. (Statistically, asbestos has not been a compliance issue in the 565 currently inspected facilities, but about 10 percent of the facilities are expected to require professional evaluation by a certified expert.)
 - \$1500.00 for ventilation system for correction of radon is expected to occur in ten (10) percent of the nine (9) newly inspected facilities.
 - Average of \$500.00 lead abatement costs in ten (10) percent of the nine (9) newly inspected facilities.
 - \$100.00 for adding mixing faucets in ten (10) percent of the nine (9) newly inspected facilities.
 - \$300.00 to install a sink for hand washing in the food preparation area in ten (10) percent of the nine (9) newly inspected facilities.
 - \$2000.00 to install a three-compartment dishwashing sink or a commercial dishwasher in twenty (20) percent of the nine (9) newly inspected facilities.
 - \$300.00 to install mechanical ventilation in bathrooms in ten (10) percent of the nine (9) newly inspected facilities.
 - \$200.00 to install a sink for hand washing in the diapering area in ten (10) percent of the nine (9) newly inspected facilities.
 - Note: \$2,500.00 for range hood with automatic fuel shutoff in ten (10) percent of the nine (9) newly inspected facilities is already calculated in the fiscal note for fire safety requirements in 19 CSR 30-60.080.

Total = \$7,200.00

4. Facility director's annual salary is estimated at \$16,640 per year (\$8.00 per hour).
5. BCC estimates the facility director in the 565 existing inspected facilities and the expected 9 new facilities will spend three (3) hours annually to participate in sanitation inspections and arrange/oversee required corrections.

Total = \$13,776.00.

6. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PROPOSED RULE

19 CSR 30-60.095 Health and Safety Requirements for Personnel

PURPOSE: This rule sets forth standards and procedures to assure personnel meet requirements to protect the health and safety of children.

- (1) Caregivers shall be free of contagion.
- (2) Caregivers who work more than twenty (20) hours per month during child care hours shall have a medical examination report on file at the facility.
- (3) The medical examination report shall be signed by a licensed physician, an advanced practice nurse, registered professional nurse or a registered nurse who is under the supervision of a licensed physician.
- (4) Caregivers shall have a Mantoux tuberculin (TB) skin test, and/or appropriate follow-up of a previous examination that indicates the individual is free of contagion.
 - (A) A chest x-ray or a Tine test shall not be accepted as an alternative to a Mantoux skin test.
 - (B) Any caregiver who has a positive or previously positive TB skin test at the time of beginning work at the facility shall have the following on file at the facility:
 1. A completed Missouri Department of Health and Senior Services Tuberculin Testing Record (TBC-4 form) signed by a local public health agency (LPHA); and
 2. An Annual Statement for Tuberculin Reactors (a signs and symptoms review) completed annually by an LPHA nurse or a physician.
 - (C) Caregivers with negative TB skin test results at the time of beginning work do not need annual Mantoux skin tests.
- (5) Caregivers shall not work when ill if the health or well-being of children is endangered.
- (6) Caregivers shall not be under the influence of alcohol or illegal drugs while on the premises.
- (7) Caregivers shall not be in a state of impaired ability due to use of medication while on the premises.
- (8) Background checks shall be conducted on all personnel at the facility as required in section 210.254, RSMo.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twenty-four thousand nine hundred fifty-two dollars (\$24,952) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities sixty-seven thousand three hundred forty-four dollars (\$67,344) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.095 Health and Safety Requirements for Personnel
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$24,952 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (12\%) \times (4\%) = \$24,952.$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	23,460.

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 4% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.095 Health and Safety Requirements for Personnel
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
490	Inspected Child Care Facilities	\$67,344.00 annually

III. WORKSHEET

(Number of staff) X (Medical Cost) = Aggregate Cost

(488) X (\$20) = \$9,760.00.

(488) X (\$118.00) = \$57,584.00

Total Cost = \$67,344.00

IV. ASSUMPTIONS

1. The Bureau of Child Care estimates that this proposed rule will affect 565 currently inspected facilities and 9 facilities that BCC expects to be newly inspected during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
2. Based on statistical data from past inspections, BCC estimates the following costs to be incurred by staff for required medical examinations and tuberculin tests:

BCC estimates:

- An average of eight (8) adults on staff in each of the 565 currently inspected and nine (9) newly inspected facilities.
- An average of twenty (10) percent of the adult staff in currently inspected facilities and one hundred (100) percent of the adult staff in 9 newly inspected facilities will need to obtain required medical examinations and tuberculin skin tests.
- The cost of a medical examination for the purpose of employment to be \$100.00 per person and the average cost of a tuberculin Mantoux skin test to be \$18.00.
- Fifty (50) percent of those individuals will pay the full cost themselves.
- Fifty (50) percent will incur an average \$20.00 co-pay expense for the medical examination and Mantoux skin test as the result of health insurance coverage.

Medical examinations and tuberculin skin tests are required one time when the individual is employed; therefore, BCC estimates no further medical examination costs for these individuals in future years.

3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in cost.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.100 Physical Plant, Space, Supplies and Equipment. This rule established the requirements for the physical plant, indoor and outdoor space, supplies and equipment for license-exempt child care facilities.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.100. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.100 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.105 Children's Enrollment

PURPOSE: This rule sets forth procedures for enrollment of children in an inspected child care facility.

(1) The facility shall have a medical examination report on file at the facility for each child. The report—

(A) Shall be completed not more than twelve (12) months prior to admission.

(B) Shall be on file at the facility within thirty (30) days following admission.

(C) Shall be signed by a licensed physician, advanced practice nurse, physician's assistant, or registered nurse who is under the supervision of a licensed physician.

(D) Shall determine if a child's medical history and current state of health are satisfactory for participation in a child care program.

(2) Medical examination reports shall not be required for any child whose parent(s) submits a signed statement of objection based on religious beliefs.

(3) The facility shall have documentation on file the first day a child is in care indicating that the child has completed age-appropriate

immunizations, is in the process of completing immunizations, or is exempt from immunization requirements.

(4) The facility shall have an individualized care plan from a professional source on file at the facility for any child who has a special need. Special need refers to children with developmental disabilities, mental retardation, emotional disturbance, sensory or motor impairment, or significant chronic illness who require special health surveillance or specialized interventions, technologies or services.

(5) A facility operated by a religious organization that is subject to these rules shall have on file at the facility at the time of enrollment a copy of the Notice of Parental Responsibility signed by the parent.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twelve thousand four hundred seventy-six dollars (\$12,476) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities forty-one thousand three hundred twenty-eight dollars (\$41,328) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.105 Children's Enrollment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$12,476 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (12\%) \times (2\%) = \$12,476.$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 2% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.105 Children's Enrollment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
574	Inspected Child Care Facilities	\$41,328.00 annually

III. WORKSHEET

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Total aggregate cost

$$(574) \times (9) \times \$8.00 = \$41,328.00$$

IV. ASSUMPTIONS

1. The Bureau of Child Care (BCC) currently conducts inspections of 565 inspected facilities.
2. It is estimated that 9 new facilities will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
3. BCC estimates it will take each facility director nine (9) hours to complete and maintain enrollment procedures with parents and staff for each enrolled child.
4. Facility director's annual salary is estimated at \$16,640.00 per year (\$8.00 per hour).
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation, and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.110 Transportation and Field Trip Requirements. This rule identified the requirements the provider in a license-exempt child care facility was responsible for when transporting children and taking field trips.

PURPOSE: The Department of Health and Senior Services no longer regulates these requirements; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.110. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.110 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.115 Health Practices, Promotion and Protection

PURPOSE: This rule sets forth standards and procedures to assure a healthy and safe environment for children.

(1) As mandated reporters, all caregivers shall acquaint themselves with the child abuse and neglect law and shall make a report of any suspected child abuse or neglect to the Department of Social Services at the toll free number 1-800-392-3738.

(2) Within one (1) workday, staff shall notify the bureau and any other appropriate entity of the following:

(A) The death of any child while in the facility's care or any child that is enrolled at the facility who dies of a contagious disease; or

(B) Any injury to a child that requires hospitalization or emergency room treatment when that injury occurs while the child is in the facility's care.

(3) Children shall not be exposed to extreme elements, based on wind chill factor or heat index.

(4) Caregivers shall assist children who are under three (3) years of age or who require special assistance while in the bathroom to promote sanitation practices and prevent injuries.

(5) The facility shall comply regarding reportable diseases as follows:

(A) The facility shall report to the local health department if any child at the facility is suspected of having a reportable disease as defined by section 210.003.3, RSMo.

(B) In the event of an outbreak of communicable disease at the facility, caregivers shall implement control measures recommended by a local and/or state health authority as required by the department.

(C) The facility shall notify each child's parent(s) on the day that any child or adult at the facility is identified as having a contagious disease. This requires that written information regarding the contagious disease be posted in a location designated for the purpose of sharing information with parents or that parents be individually notified.

(6) The facility shall observe for illness in children as follows:

(A) Each child shall be observed for contagious diseases, unusual behavior, and other signs of illness on arrival and throughout the day.

(B) The parent shall be contacted when signs of illness are observed. The time of parental contact, discussion, and decision regarding illness shall be documented and filed in the child's record.

(7) The facility shall exclude children from care for illness as follows:

(A) If a child exhibits any of the following symptoms, s/he may not be accepted for care or must be sent home if symptoms occur after the child's arrival:

1. Diarrhea—more than one (1) abnormally loose stool.
2. Blood in stools not explained by dietary change or hard stools.
3. Severe coughing.
4. Difficult or rapid breathing or wheezing.
5. Yellowish skin or eyes.
6. Pinkeye—tears, redness of eyelid lining, irritation, followed by swelling or white or yellow eye discharge.
7. Unusual spots or rashes.
8. Sore throat or trouble swallowing.
9. An infected skin patch(es)—crusty, bright yellow, dry or gummy areas of the skin.
10. Severe itching of the body or scalp, or scratching of the scalp.
11. Fever greater than or equal to one hundred one degrees Fahrenheit (101°F) by mouth or one hundred degrees Fahrenheit (100°F) under the arm.
12. Headache and stiff neck.
13. Vomiting more than once.
14. A child is in the contagious period of a disease.

(B) If a child arrives at the facility and is not accepted for care, the decision and symptoms exhibited by the child will be documented and filed in the child's record.

(C) The child who becomes ill while in care shall be isolated from the other children until a parent arrives. A caregiver shall be available for any child needing assistance.

(D) If a child is sent home due to illness, the symptom(s) exhibited by the child, the time of parental contact and the time the child is picked up shall be recorded and filed in the child's record.

(E) A child who has been excluded from care due to illness, may return to care after—

1. Any period of contagion has passed; or
2. The symptoms described in this rule are no longer exhibited by the child; or
3. A physician gives written authorization for the child to return to care.

AUTHORITY: section 210.252.5, RSMo 2000. This rule was previously filed as 19 CSR 40-60.060 and 19 CSR 30-60.060. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twenty-four thousand nine hundred fifty-two dollars (\$24,952) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred sixty-nine thousand seven hundred twenty dollars (\$169,720) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.115 Health Practices, Promotion and Protection
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$24,952 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (12\%) \times (4\%) = \$24,952.$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	23,460.
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	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 4% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60. 115 Health Practices, Promotion and Protection
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
574	Inspected Child Care Facilities	\$169,720.00 annually

III. WORKSHEET

(Number of currently approved) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(574) X (35) X (\$8.00) = \$169,720.00 Total Aggregate Cost

ASSUMPTIONS

1. Bureau of Child Care (BCC) approved 565 inspected facilities in FY04.
2. BCC estimates that 9 additional inspected facilities will be approved in the next 12 months period.
3. Facility director's annual salary is estimated at \$16,640 per year (\$8.00 per hour).
4. It is estimated that it will take the facility director the following number of hours to maintain health records, isolate ill children, and contact parents in the next 12 months period:
 - 10 hours to maintain children's immunization records.
 - 25 hours to isolate ill children, contact their parents, and maintain required records.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.120 Admission Procedures and Required Reports and Records. This rule established admission procedures, records and reports facility directors were required to keep for children and caregivers.

PURPOSE: The Department of Health and Senior Services has addressed these requirements more specifically in separate sections of other revised rules; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.120. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.120 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.125 Records and Reports

PURPOSE: This rule sets forth the documentation that must be on file at the child care facility.

(1) Facilities operated by a religious organization shall have a copy of the Notice of Parental Responsibility on file at the facility for each enrolled child as required in 19 CSR 30-60.040.

(2) The following records shall be on file at the facility for each enrolled child as required in 19 CSR 30-60.140:

- (A) Medical examination report;
- (B) Immunization record;
- (C) Individualized care plan as needed; and
- (D) Copy of Notice of Parental Responsibility signed by the parent.

(3) Documentation of background checks for personnel shall be on file at the facility as required in sections 210.254 and 210.900, RSMo.

(4) The following records shall be on file at the facility for each caregiver as required in 19 CSR 30-60.130:

- (A) Medical examination report; and
- (B) A Mantoux tuberculin skin test result.

(5) A written record of emergency drills shall be on file at the facility as required in 19 CSR 30-60.110.

(6) All records required by these rules shall be filed in a place known to caregivers and shall be accessible during normal visiting hours for inspection by the department. Records shall not be in a locked area or removed from the facility during operating hours.

(7) All records of children shall be confidential, protected from unauthorized examination and available to a child's parent(s) upon request.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions thirty-seven thousand four hundred twenty-eight dollars (\$37,428) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities ninety-one thousand eight hundred forty dollars (\$91,840) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.125 Records and Reports
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$37,428 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (12\%) \times (6\%) = \$37,428.$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	23,460.
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	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 6% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60. 125 Records and Reports
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
574	Inspected Child Care Facilities	\$91,840.00 annually

III. WORKSHEET

(Number of currently approved) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(574) X (20) X (\$8.00) = \$91,840.00 Total Aggregate Cost

ASSUMPTIONS

1. Bureau of Child Care (BCC) approved 565 inspected facilities in FY04.
2. BCC estimates that 9 additional inspected facilities will be approved in the next 12 months period.
3. Facility director's annual salary is estimated at \$16,640 per year (\$8.00 per hour).
4. BCC estimates the following time for the director to maintain the following records and reports:
 - 10 hours to obtain and file required background checks on personnel.
 - 10 hours annually to maintain employee records.

Note: Costs related to all other required records and reports, e.g. medical reports, fire drills, etc. have been included in the fiscal note for the rule that specifies those requirements.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.135 Variances

PURPOSE: This rule explains how an owner may request a variance from the rules for inspected child care facilities.

(1) An owner may request a variance from a rule. The request for a variance shall be made in writing to the bureau and shall include the rule(s) for which a variance is requested and the reason(s) the owner requests the variance.

(2) The bureau shall notify the owner in writing if the variance request is approved and shall include any required conditions.

(3) The bureau may rescind the variance with written notice to the owner if the owner fails to comply with the required condition(s).

(4) If the bureau does not approve a variance request, the bureau shall advise the owner in writing of the reason(s) the variance has been determined to endanger the health or safety of the children served by the facility. The owner may request a review of the decision by the department director within thirty (30) days of receipt of the denial notice. The department director shall make a final determination to approve or deny the variance request.

AUTHORITY: section 210.252.5, RSMo 2000. This rule was previously filed as 19 CSR 40-60.040 and 19 CSR 30-60.040. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions eighteen thousand seven hundred fourteen dollars (\$18,714) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities nine hundred forty-four dollars (\$944) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.135 Variances
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$18,714 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (12\%) \times (3\%) = \$18,714.$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.

- Environmental Public Health Specialist III (8) 303,060.
- CCFS III (12) 480,000.
- CCFS II (70) \$2,450,000.
- Office Support Assistant –OSA (11.5) 241,500.
- Senior OSA (6) 132,000.
- Administrative OSA (1) 23,460.

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 3% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60. 135 Variances
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
574	Inspected Child Care Facilities	\$944.00 annually

III. WORKSHEET

(Number of facilities affected) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(57) X (2) X (\$8.00) = \$912.00

(2) X (2) X (\$8.00) = \$32.00

Total Aggregate Cost= \$944.00

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) approved 565 inspected facilities in FY04 and expects to approve an additional nine (9) facilities during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months
2. Based on statistical data from past inspections, BCC estimates the following:
 - 10 % of the previously inspected facilities will request a variance.
 - 20 % of the newly inspected facilities will request a variance.
3. Facility director's annual salary is estimated at \$16,640 per year (\$8.00 per hour).
4. It is estimated that it will take the facility director two (2) hours to complete the variance request procedure.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.145 Complaints

PURPOSE: This rule establishes procedures for investigation of complaints that allege statute or rule violations by inspected facilities.

- (1) The bureau shall investigate written and oral complaints, including anonymous complaints of alleged statute and/or rules violations for buildings and premises.
- (2) The bureau may utilize information from other agencies in the investigation of a complaint.
- (3) The bureau shall send the owner a written report of the investigation results.
- (4) Substantiated complaint findings are filed in the facility's public file.
- (5) When an investigation of a complaint determines a statute or rule violation, the bureau shall issue a written notice of violation to the owner stating:
 - (A) The violation(s) found; and
 - (B) Twenty (20) calendar days deadline for correcting the violation(s).
- (6) The written notice of violation is filed in the facility's public record.
- (7) If the facility fails to make corrections to comply with the statute and rules for buildings and premises within twenty (20) calendar days, the bureau shall proceed pursuant to section 210.255, RSMo.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-three thousand six hundred sixty-six dollars (\$43,666) annually in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.145 Complaints
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$43,666 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (12\%) \times (7\%) = \$43,666.$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	23,460.
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	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 7% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.155 Grandfather Clause

PURPOSE: This rule allows facilities to continue compliance with a previously promulgated rule and partial or full exemption from a new requirement with additional conditions as identified below.

NOTE: Current rules with a “grandfather clause” will be identified by the symbol (GF) after the affected rule.

(1) General Rules.

(A) All rules listed in this copy and subsequent copies of the *Health and Safety Rules For Inspected Child Care Facilities* apply to all providers unless listed in the exceptions below.

(B) “Grandfather” provisions shall not apply when any inspected child care facility changes ownership after the issuance of these rules. These facilities shall comply with all rules for inspected facilities that are current at the time of the change of ownership.

(C) “Grandfather” provisions shall not apply when any inspected child care facility increases capacity, adds infant/toddler care, remodels the facility, constructs a new building or addition, replaces or adds a fence or replaces any piece of equipment, floor covering or item that would not be approvable under these guidelines. These facilities shall conform to all current rules for inspected facilities.

(D) The bureau will develop a time period with facilities inspected and approved for child care prior to the effective date of these rules (not to exceed six (6) months) to reach compliance with all rules that have changed that are not listed below as grandfathered rules.

(E) Rules grandfathered for previously inspected and approved programs:

CURRENT RULE	GRANDFATHERING PROVISION
19 CSR 30-60.061(1)(P) “Stairways in approved child care space having more than three (3) steps shall have a handrail placed at a height that is thirty-four inches to thirty-eight inches (34”–38”) from the steps.”	Handrails approved by the Bureau of Child Care (BCC) prior to the issuance of these rules may continue to be used. All newly added or replaced handrails shall meet the current rule requirement.
19 CSR 30-60.061(1)(Q) “Porches, decks, lofts, stairwells or other physical plant structures in approved child care space having a drop-off of more than twenty-four inches (24”) from which children might fall shall have an approved protective banister, guardrail, or barrier that is at least thirty-six inches (36”) high.	Protective banisters, guardrails or barriers approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced banisters, guardrails, or barriers shall meet the current rule requirement.
19 CSR 30-60.061(1)(R) “Protective banisters, guardrails or barriers shall have balusters (upright posts) at intervals of three and one-half inches (3 1/2”) or less to prevent the child from crawling, falling through, or becoming entrapped.	Protective banisters, guardrails or barriers approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced banisters, guardrails, or barriers shall meet the current rule requirement.
19 CSR 30-60.065(2)(A) “Children shall be able to enter the fenced play area directly from the child care building without hazard.”	Fencing approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fencing shall meet the current rule requirement.

19 CSR 30-60.065(2)(C) "The play area fence shall be at least forty-eight inches (48") high and shall be permanently installed."	Fencing approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fencing shall meet the current rule requirement.
19 CSR 30-60.065(3)(B) "All newly added or replaced equipment shall be free of CCA treated lumber (lumber treated with a pressurized solution containing copper chromates and arsenic)."	Outdoor equipment constructed of CCA treated lumber and approved by the BCC prior to the issuance of these rules may continue to be used. Facilities shall comply with 19 CSR 30-60.090(3)(J) which requires that any CCA treated lumber that is accessible to children be treated annually with an oil-based waterproof sealant.
19 CSR 30-60.065(3)(G) "All stationary equipment shall have a minimum of six feet (6') clearance space from other stationary equipment, all walkways, fences, buildings or other structures."	Outdoor equipment approved by the BCC prior to the issuance of these rules and that has a clearance space less than six feet (6') may continue to be used.
19 CSR 30-60.071(3) "Any fence used to restrict children's access to a swimming or wading pool shall be at least forty-eight inches (48") high, shall have a locked gate, and shall be constructed to prevent a child from climbing into the pool."	Fences approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fences shall meet the current rule requirement.
19 CSR 30-60.080 Fire Safety Rules	All fire safety rules that have been grandfathered are noted in the text of the fire safety rules.
19 CSR 30-60.090(8)(D) "When local codes are not in effect, on-site sewage disposal systems shall be regulated by the department and shall meet all provisions of sections 701.025 to 701.059, RSMo."	Sewage systems approved by the department prior to the issuance of these rules may continue to operate these systems as long as the previous conditions of approval are maintained.
19 CSR 30-60.090(16)(G) "All facilities shall have adequate mechanical refrigeration units that are used only by the child care program."	Facilities approved prior to October 31, 1997, may continue to share refrigerator space with other church programs.
19 CSR 30-60.090(16)(K) "Facilities with a capacity of twenty (20) children or fewer shall have dish washing equipment as follows: 1. A mechanical dishwasher that sanitizes by reaching one hundred sixty degrees Fahrenheit (160°F); or 2. A mechanical dishwasher that sanitizes by use of chemicals; or 3. A mechanical dishwasher cycle followed by a sanitizing rinse in a separate sink or compartment; or 4. A three (3)-compartment sink; or 5. A two (2)-compartment sink with a third portable compartment for the final sanitizing step. 6. All sinks or compartments must be large enough to accommodate the largest utensil used."	Facilities inspected and approved prior to the issuance of these rules may continue to use the method for dish washing approved by the environmental sanitarian.
19 CSR 30-60.090(16)(L) "Facilities with a capacity of more than twenty (20) children shall have: 1. Separate food preparation and storage areas from the family food preparation and storage areas. 2. A three (3)-compartment sink, or a commercial dishwasher which meets the 1999 Missouri Food Code 4-204.113-118; 3. Sink compartments used for dish washing shall be large enough to accommodate the largest utensil used."	Facilities inspected and approved prior to the issuance of these rules may continue to use the method for dish washing approved by the environmental sanitarian.
19 CSR 30-60.090(17)(G) "Facilities that exclusively use single service items and do not sanitize dishes or other food containers such as pots and pans, shall install equipment based according to the capacity in order to sanitize toys."	Facilities inspected and approved prior to the issuance of these rules may continue to sanitize toys using the method approved by the environmental sanitarian.
19 CSR 30-60.090(18)(A) "Facilities shall have bathrooms enclosed with full floor-to-ceiling walls and solid doors. Doors shall be closed when bathroom is not in use."	Facilities inspected and approved prior to the issuance of these rules may continue to operate with the bathroom enclosures approved by the environmental sanitarian.

19 CSR 30-60.090(18)(H) "Facilities shall have mechanical ventilation in all bathrooms."	Facilities inspected and approved prior to the issuance of these rules may continue to operate without mechanical ventilation in bathrooms
19 CSR 30-60.090(19)(A) "Infant/toddler units shall have a sink that is designated, labeled and used for food and bottle preparation. This sink shall be separated by at least eighteen inches (18") from any hand washing sink or diapering area."	Facilities inspected and approved prior to the issuance of these rules may continue to operate their infant/toddler unit without a sink specifically designated for food and bottle preparation.
19 CSR 30-60.090(20)(I) "Staff shall be prohibited from going through a door or other barrier to wash their hands after diapering."	Facilities inspected and approved prior to the issuance of these rules may continue to follow the hand washing method approved by the environmental sanitarian.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.010 Definitions. This rule defined the terms used in the rules for family child care homes.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.010 and 19 CSR 40-61.010. Original rule filed in 1956. Amended: Filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.010 Definitions

PURPOSE: This rule defines the terms used in the Licensing Rules for Child Care Homes.

- (1) "Adult" is any individual eighteen (18) years of age or older.
- (2) "Applicant" is a person seeking to become licensed who submits a completed and signed application form supplied by the Bureau of Child Care for the purpose of requesting inspection of a child care facility to determine compliance with regulatory requirements.
- (3) "Approved child care space" is indoor and outdoor space that the Bureau of Child Care has inspected and licensed for children's use.
- (4) "At-risk situation" is any incident in which a child is placed in jeopardy and may include but is not limited to lack of supervision, staff negligence, or exposure to hazardous materials or conditions.
- (5) "Attendance" is the number of children enrolled at the facility and participating in the program at any one (1) time whether on or off the premises.
- (6) "Background check" is a process required in section 210.900, RSMo for screening an individual for a history of criminal record; probable cause finding of child or elder abuse and/or neglect; foster

parent licensure denials, revocations and suspensions; child care facility license denials, revocations and suspensions; the Department of Mental Health's employee disqualification registry; and residential living facility and nursing home license denials, revocations, suspensions, probationary status, and sexual offender registration.

- (7) "Bureau" is the Bureau of Child Care.
- (8) "Caregiver" is any adult who is responsible for the protection, development and supervision of children in a child care facility.
- (9) "Caregiver/child ratio" is the number of caregivers required in relation to the number and ages of children in care.
- (10) "Change of ownership" is a transfer of controlling legal or controlling equitable interest and authority in a child care facility from one (1) person(s) or entity to another.
- (11) "Child" is an individual who is under the age of seventeen (17).
- (12) "Child care" is responsibility for the protection, development and supervision of a child away from his/her own home for any part of the twenty-four (24)-hour day for compensation or otherwise. Child care may be given in a child care home, group child care home or child care center.
- (13) "Child care center," hereafter referred to as center, even if called by another title or name, is a child care facility licensed as a center for more than four (4) children not related to the licensee, for any part of the twenty-four (24)-hour day. A child care center shall be in a location other than the licensee's permanent residence, or in the licensee's residence in space that is separate from the licensee's living quarters.
- (14) "Child care facility," hereafter referred to as facility, is a house or other place conducted or maintained by any person who advertises or holds him/herself out as providing care for more than four (4) children, for compensation or otherwise, with exceptions noted in section 210.201(2), RSMo.
- (15) "Child care home," hereafter referred to as home, whether known or incorporated under another title or name, is a child care facility licensed as a home where care is given by a child care home provider for no more than ten (10) children for any part of the twenty-four (24)-hour day.
- (16) "Child care home provider," hereafter referred to as provider, is the qualified, approved individual who is the licensee or is designated by the licensee as the individual responsible for planning, organizing, leading and monitoring the child care home's daily program and curriculum and for supervision of staff.
- (17) "Child Care Orientation Training," hereafter referred to as CCOT, is an introductory caregiver training module developed by the bureau. This introductory training includes information on licensing rules, child abuse/neglect, developmentally appropriate practice, supervision, and health/environmental safety.
- (18) "Child Care Orientation Training Plus," hereafter referred to as CCOT+, is a specialized caregiver training module developed by the bureau, such as training on infant/toddler or school-age child care.
- (19) "Child care provided by a business as a convenience for its customers or employees" is a program operated by a commercial estab-

lishment which provides care for no more than four (4) hours per child per day for the children of its customers or employees.

(20) "Child care specialist" is an employee of the bureau who investigates and monitors child care facilities for the purpose of determining compliance with regulatory requirements.

(21) "Daytime" is any part of the twenty-four (24)-hour day between 6:00 a.m. and 9:00 p.m.

(22) "Department" is the Missouri Department of Health and Senior Services.

(23) "Department director" is the director of the Missouri Department of Health and Senior Services.

(24) "Department of Mental Health (DMH) day program" is a program licensed by DMH, which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005, RSMo.

(25) "Face-to-name roll call" is the visual matching of a child's face to his/her name on a list during all roll calls.

(26) "Family Care Safety Registry," hereafter referred to as FCSR, is a registry in the Missouri Department of Health and Senior Services that families and other employers may contact to obtain background checks on registered caregivers, pursuant to sections 210.900 to 210.937, RSMo.

(27) "Grandfather clause" is the bureau's provision per statute to allow a facility to continue compliance with a previously promulgated rule with partial or full exemption from a new requirement.

(28) "Group child care home," whether known or incorporated under another title or name, is a child care program licensed as a group child care home for eleven (11), but not more than twenty (20) children, for any part of the twenty-four (24)-hour day. A group child care home shall be in a location other than the licensee's permanent residence or in the licensee's residence in space that is separate from the licensee's living quarters.

(29) "Infant" is any child under twelve (12) months of age.

(30) "Licensed capacity" is the maximum number of children who may be in the care of a facility at any one time, as specified on the facility license, whether on or off the premises.

(31) "Licensee" is the person who is licensed under section 210.211, RSMo to establish, conduct or maintain a child care facility.

(32) "Local health agency" is an organization operated by a city or county that enforces local public health codes and ordinances and provides other public health related services.

(33) "Medication" is any prescription or over-the-counter substance that is administered either internally or topically for the purpose of treatment or prevention of illness or injury.

(34) "Nighttime" is the part of the twenty-four (24)-hour day between 9:00 p.m. and 6:00 a.m.

(35) "Nursery school" is a facility with the primary function of providing an educational program for preschool-age children for no more than four (4) hours per child per day.

(36) "Owner" is the person who has controlling legal or controlling equitable interest and who is responsible for establishing, maintaining, and operating a facility that is subject by statute to licensure.

(37) "Parent(s), legal guardian, or legal custodian" is an individual who has legal and/or physical custody of a child who is enrolled for care at a child care facility.

(38) "Person" is any individual, firm, corporation, association, institution, or other incorporated or unincorporated organization.

(39) "Physical plant" is a building that houses a facility or licensed areas within a building including the architectural, structural, mechanical, electrical, plumbing and sanitation, and fire protection elements of the building.

(40) "Premises" is a house(s), dwelling(s) or building(s) and its adjoining land, including licensed and unlicensed space.

(41) "Preschool child" is any child two through five (2-5) years of age who is not attending kindergarten.

(42) "Recreational program" is a program established primarily to provide leisure or sports activities for school-age children who are allowed to attend at their discretion.

(43) "Related" is any of the following relationships by marriage, blood or adoption between the licensee and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, or nephew.

(44) "Religious organization" is a church, synagogue, mosque or entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under section 501 of the *Internal Revenue Code* or an entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

(45) "Religious organization academic preschool or kindergarten" is an educational program operated exclusively for four (4) and five (5) year old children by a religious organization.

(46) "School-age child" is any child five (5) years of age or older who is attending kindergarten or above.

(47) "School system" is a program established primarily for education and which meets the following criteria:

(A) Provides education in at least the first through the sixth grade; and

(B) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student.

(48) "Staff" is any adult employee or volunteer who works in any capacity at a child care facility and has contact with children in care.

(49) "Summer camp" is a facility which is operated exclusively for school-age children during summer months and which does not operate on the same premises and during the same months as a licensed or license-exempt child care program.

(50) "Supervision of children" is the function of observing, overseeing, and guiding a child or group of children. This includes responsibility, awareness, and direction for the ongoing activity of each child. It requires physical presence near enough to children to intervene as needed; knowledge of developmentally appropriate activity requirements; knowledge of individual children's needs and accountability for children's safety and well-being.

(51) "Supervision of staff" is the function of observing, overseeing, and guiding staff.

(52) "Toddler" is any child from twelve to twenty-four (12-24) months of age.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-61.010 and 19 CSR 40-61.010. Original rule filed in 1956. Amended: Filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.015 Exemption of Day Care Facilities. This rule defined the basis on which a family day care home could qualify for exemption from licensure.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.015 and 19 CSR 40-61.015. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.015, effective Aug. 28, 1993. Changed to 19 CSR 30-61.015 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.015 Exemption of Child Care Facilities

PURPOSE: This rule defines the basis by which a facility may qualify for exemption from licensure.

(1) A child care facility is exempt from licensure if it is under the exclusive control of an entity that qualifies for exemption per sections 210.201(2) and 210.211, RSMo.

(2) When a nonreligious organization provides child care through an arrangement with a religious organization to maintain or operate a child care facility, the facility is not under the exclusive control of the religious organization and does not qualify for exemption from licensure under section 210.211(5), RSMo.

(3) If the person(s) operating the facility claims exemption from licensure, s/he shall submit all information requested by the department to confirm the exemption from licensing before caring for more than four (4) children per 210.211, RSMo.

(4) The person operating a facility that is determined to be exempt from licensing may waive exemption and apply for voluntary licensure. These facilities shall comply with all licensing rules for child care homes.

(5) A facility that is not exempted under sections 210.201 and 210.211, RSMo shall be licensed before providing care for more than four (4) children at one (1) time who are not related per 19 CSR 30-61.010(43).

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-61.015, 19 CSR 40-61.015. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.015, effective Aug. 28, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.015 July 30, 1998. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.015 Exemption of Child Care Facilities
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in
Department of Health and Senior Services the Aggregate	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes

PROPOSED RESCISSION

19 CSR 30-61.025 Organization and Administration. This rule defined the requirements for the organization and administration of family day care homes.

PURPOSE: *The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.*

AUTHORITY: *section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.060, 13 CSR 40-61.025 and 19 CSR 40-61.025. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.025, effective Dec. 9, 1993. Changed to 19 CSR 30-61.025 July 30, 1998. Rescinded: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes

PROPOSED RESCISSION

19 CSR 30-61.045 Initial Licensing Information. This rule described the procedures for application for licensure, the licensing investigation and provisions for continued licensing investigations after the initial license is granted.

PURPOSE: *The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.*

AUTHORITY: *section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-61.020, 13 CSR 40-61.045 and 19 CSR 40-61.045. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at*

portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes

PROPOSED RULE

19 CSR 30-61.045 Initial Licensing Process

PURPOSE: *This rule describes the procedures for the application for initial licensure, the licensing investigation and the licensing of child care homes.*

(1) As part of the inquiry or application process, the prospective licensee shall meet with the bureau to discuss the licensing rules and the licensing process.

(2) A completed, signed application for a license shall be filed with the bureau on a form provided by the bureau. The application shall be signed by the owner(s), or board chair, or limited liability company manager.

(3) Upon receipt of a completed, signed application, the bureau shall conduct a licensing investigation. If compliance with licensing rules is not met within six (6) months, the application shall expire and be void.

(4) The entire premises of the child care home shall be subject to inspection by the bureau.

(5) Before beginning new construction or alterations to an existing building, the applicant shall submit a full set of construction plans to the Division of Fire Safety for review and approval. This includes, but is not limited to, architectural, mechanical, fire alarm and automatic sprinkler plans.

(6) Prior to the granting of a license, the applicant shall submit the following to the bureau:

(A) A floor plan of the facility showing the arrangement of the rooms, including the location of toilet and hand washing facilities, the kitchen, interior doors, exit doors and other passageways. The child care specialist and the applicant shall measure the facility jointly and agree on final measurements;

(B) A diagram of the outdoor play area showing the placement of permanent equipment, the location of fencing and gates, and the relation of the exit from the facility to the outdoor play area. The child care specialist and the applicant shall measure the area jointly and agree on final measurements;

(C) The facility's written policies pertaining to child care practices for:

1. Enrollment and discharge;
2. Daily admission and dismissal;
3. Supervision plan;
4. Guidance and discipline;
5. Mandatory reporting of suspected child abuse/neglect;
6. Transportation and field trips;
7. Administration of medication;
8. Notifying parent(s), legal guardian, or legal custodian of illness, accident, injury, emergency medical care or at-risk situations;
9. Exclusion from care due to illness;
10. Plan for maintaining confidential information;
11. Communication with parent(s), legal guardian, or legal custodian; and
12. Nondiscrimination;

- (D) A schedule of daily activities;
- (E) A sample weekly menu;
- (F) An itemized list of available materials and equipment available to and used by children;
- (G) Sample forms used, other than those supplied by the bureau;
- (H) If the facility is incorporated, Articles of Incorporation, Certificate of Incorporation and the annual Certificate of Good Standing (if applicable) as issued by the Missouri secretary of state, or appropriate entity if issued in another state;
- (I) Written policies and procedures which clearly establish responsibilities and lines of supervision for any child care home provider who is not the licensee; and
- (J) Other information required by the bureau to make a determination regarding licensure of the child care home.

(7) Prior to the granting of a license, the following shall be on file at the child care home:

- (A) Medical examination reports for the provider and any staff working in the child care home as required by 19 CSR 30-61.100(4)(B);
- (B) Enrollment information for each child as required by 19 CSR 30-61.110(4)(E);
- (C) Evidence of background checks for the provider and any staff as required by 19 CSR 30-61.100(2); and
- (D) Documentation of certification in Infant and Child (pediatric) CPR and first aid for the provider as required by 19 CSR 30-61.100(6)(M), (N) and (O).

(8) Prior to the granting of a license, the bureau shall have received:

- (A) An approved fire safety inspection report under section 210.252, RSMo; and
- (B) An approved sanitation inspection report under section 210.252, RSMo.

(9) The child care home shall not be licensed to provide care for more than four (4) children not related to the owner until it is in compliance with state statutes and licensing rules for child care homes.

(10) After the bureau has determined the child care home is in compliance with state statutes and licensing rules for child care homes, the initial license may be granted for up to two (2) years.

(11) If there is to be a change of ownership of a child care home, the prospective new owner shall submit to the bureau:

- (A) An application for license;
- (B) A written statement signed by the buyer(s) and seller(s) specifying the effective date of the change of ownership;
- (C) Documentation of background check results, current within six (6) months, for the child care home provider;
- (D) A document describing the structure of the organization's ownership and authority if the child care home is owned by a legal entity, such as a corporation or limited liability company.

(12) Upon receipt of the above information, the bureau may issue a ninety (90)-day license with the same limitations and the same or lesser capacity as the license under the previous ownership.

(13) During the short-term licensing period, the initial licensing investigation shall be completed, and the new owner shall meet the requirements of the current licensing rules.

(14) Any variances or grandfathering provisions granted to the previous owner shall not be transferred to the new owner.

***PUBLIC COST:** This proposed rule will cost state agencies or political subdivisions four hundred eleven thousand seven hundred nine dollars (\$411,709) annually in the aggregate.*

***PRIVATE COST:** This proposed rule will cost private entities forty thousand eight hundred dollars (\$40,800) annually in the aggregate.*

***NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

***AUTHORITY:** section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-61.020, 13 CSR 40-61.045 and 19 CSR 40-61.045. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed Oct. 15, 2004.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.045 Initial Licensing Process
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$411,709 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (18\%) = \$411,709$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 18% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.045 Initial Licensing Process
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
272	Child Care Homes	\$40,800.00 annually

III. WORKSHEET

(Number of annual initial approvals) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(272) X (15) X (\$10.00) = \$40,800.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) approved 272 initial licenses for Child Care Homes in FY04.
2. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the home provider fifteen (15) hours to complete the Initial Licensing Process which includes inquiry meetings, filing the initial application, completing all required forms including forms completed by parents, have them signed by parents, submit this information to the BCC, and maintain files at the facility.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes

PROPOSED RESCISSION

19 CSR 30-61.055 License Renewal. This rule defined the procedures for license renewal.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-61.031, 13 CSR 40-61.055 and 19 CSR 40-61.055. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.055, effective Dec. 9, 1993. Changed to 19 CSR 30-61.055 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes

PROPOSED RULE

19 CSR 30-61.055 License Renewal

PURPOSE: This rule defines the procedures for license renewal.

(1) The licensee shall file a completed, signed application for license renewal at least sixty (60) days prior to the expiration of the license.

(2) The application shall be filed with the bureau on a form provided by the department.

(3) The licensee, board chair, or limited liability company manager shall sign the application.

(4) When the application is received, the bureau shall schedule and make the renewal inspection.

(5) In addition, the following information is required before the license shall be renewed:

(A) Evidence of compliance with state fire safety requirements for child care facilities through a fire safety inspection by the state fire marshal or his/her designee;

(B) Evidence of compliance with state sanitation requirements for child care facilities through a sanitation inspection by the bureau or the bureau's designee;

(C) If the child care home is incorporated, a copy of the current Certificate of Good Standing (if applicable) as issued by the Missouri secretary of state or appropriate entity if issued in another state;

(D) Medical examination reports for all adults working at the child care home, as required by 19 CSR 30-61.100(4), shall be on file at the child care home and available for review;

(E) Medical examination reports shall be on file for all children in care as required by 19 CSR 30-61.110(4)(H), (I) and (J);

(F) Enrollment information for each child shall be on file at the child care home as required by 19 CSR 30-61.110;

(G) A current list of available equipment;

(H) Current staff sheet, if applicable;

(I) Any changes in prior information or documentation submitted for licensing such as policies, forms, etc.; and

(J) Documentation of training as required by 19 CSR 30-61.100(6).

(6) The licensee shall conduct background screenings per 19 CSR 30-61.100(2).

(7) After the bureau has determined the child care home is in compliance with state statutes and licensing rules for child care homes, the renewal license may be granted for up to two (2) years.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-61.031, 13 CSR 40-61.055 and 19 CSR 40-61.055. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.055, effective Dec. 9, 1993. Changed to 19 CSR 30-61.055 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions two hundred twenty-eight thousand seven hundred twenty-seven dollars (\$228,727) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities sixty-six thousand two hundred ninety dollars (\$66,290) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.055 License Renewal
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$228,727 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (10\%) = \$228,727$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.
- CCFS III (12) 480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 10% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.055 License Renewal
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1893	Child Care Homes	\$66,290.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(947) X (7) X (\$10.00) = \$66,290.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) has 1893 licensed Child Care Homes in FY04.
2. Licenses are issued for a two (2) year period so approximately one half of all licensed Child Care Homes have their licenses renewed each year. This ratio represents 947 Child care Homes.
3. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
4. It is estimated that it will take the home provider seven (7) hours to complete the License Renewal Process which includes filing the application for renewal, completing all required forms including forms completed by parents, have them signed by parents, submit this information to the BCC, and maintain files at the facility.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.060 General Licensing Requirements

PURPOSE: This rule defines general requirements for the licensed child care home.

(1) The licensee shall be responsible for meeting all debts and obligations incurred by the child care home and for maintaining compliance with all licensing rules for child care homes.

(2) When a board of directors is responsible for the operation of the child care home, the bureau shall be notified within fifteen (15) workdays if there is a change of the board president or chairperson. Background check information shall be provided as required by 19 CSR 30-61.100(2).

(3) If the provider is an individual other than the licensee, the bureau shall be notified within five (5) workdays if there is a change of provider. Background check information shall be provided as required by 19 CSR 30-61.100(2).

(4) The license shall not be transferable and shall apply only to the person(s) and address shown on the license.

(5) The number and ages of children the child care home is authorized to have in care at any one (1) time and any special conditions shall be specified on the license and shall not be exceeded except as permitted within the rules of this chapter.

(6) All child care provided on the same premises as the licensed child care home shall be in compliance with the licensing rules and the conditions specified on the license unless otherwise exempted by the department.

(7) The official license shall be posted near the entrance of the child care home where it can be seen easily by parent(s), legal guardian, or legal custodian and others who visit the child care home.

(8) The following information shall be posted or displayed in one central area near the license where it can be seen easily by parent(s), legal guardian, or legal custodian and others who visit the child care home:

- (A) The address and telephone number of the local bureau office;
- (B) A copy of the child care home's most recent state fire safety, sanitation, and bureau inspection reports;
- (C) The name(s), address(es) and telephone number(s) of the licensee, if other than the child care home provider;
- (D) Documentation of current overlap approval, if applicable;
- (E) Written notification of any final disciplinary action against the child care home; and
- (F) Documentation of variance approval, if applicable.

(9) The licensee shall file an application for license amendment to change any information or conditions specified on the license. The change shall not occur until approved by the bureau.

(10) Staff shall permit the bureau representative(s) to have access to the child care home, premises and records during all inspections. The entire premises shall be subject to inspection.

(11) Upon issuance of the license, the bureau shall inspect the child care home throughout the licensing period to monitor compliance and to provide technical assistance. Announced and unannounced inspections shall be made at varying times during the hours child care is provided.

(12) Upon the bureau's receipt of a complaint regarding the child care home, an inspection shall be made by the bureau.

(13) Licensing records are public records and may be reviewed by appointment with the bureau as authorized by sections 610.010-610.150, RSMo.

(14) The license shall be subject to revocation by the department upon failure of the licensee to comply with state statutes and licensing rules for child care homes.

(15) If the child care home's license is revoked or denied, the department shall not accept a subsequent application from the licensee for the child care home within twenty-four (24) months after the effective date of revocation or denial, or within twenty-four (24) months after all appeal rights have been exhausted, whichever is later.

(16) If the child care home closes permanently, the licensee shall notify the bureau immediately and shall return the license to the department.

(17) If the license is revoked or not renewed, the licensee shall return the license to the department.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities eighteen thousand nine hundred thirty dollars (\$18,930) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.060 General Licensing Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.

• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 30-61.060 General Licensing Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1893	Child Care Homes	\$18,930.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1893) X (1) X (\$10.00) = \$18,930.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) has 1893 licensed Child Care Homes in FY04.
2. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the home provider one (1) hour to post and update parent and facility information.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.065 Indoor Space and Equipment

PURPOSE: This rule sets forth the requirements for the physical plant, furniture, equipment and materials needed in a child care home.

NOTE: Current rules with a "grandfather clause" will be identified by the symbol (GF) after the affected rule.

(1) General Requirements.

(A) The physical plant, furniture, equipment and materials shall be clean, in good condition, and safe and suitable for the care of children.

(B) Utilities, including electricity, heating and cooling systems, and sewage and water system shall be in proper working order.

(C) Within twenty-four (24) hours, the provider shall notify the bureau of any situation that may compromise the health and safety of the children in care such as:

1. Loss of utilities such as electricity or water for more than one (1) hour during child care hours;

2. Failure in heating, air conditioning, and building appliances such as refrigerator, hot water heaters, etc;

3. Building damage from accidents, natural disaster or fire;

4. Unplanned closing of the child care home because of health and safety issues; and

5. Any environmental emergencies present at the child care home.

(D) Children shall not have access to areas not approved for child care. Access shall be prevented through the use of approved safety gates, locked doors or other approved devices.

(E) Approved safety gates at stairways and doors shall be provided and used as needed. Accordion gates or tension gates shall not be used at the top of stairs.

(F) Stairways in approved child care space having more than three (3) steps shall have a handrail placed at a height that is thirty-four inches to thirty-eight inches (34"-38") from the steps. (GF)

(G) Porches, decks, lofts, stairwells or other physical plant structures in approved child care space having a drop-off of more than twenty-four inches (24") from which children might fall shall have an approved protective banister, guardrail, or barrier that is at least thirty-six inches (36") high. (GF)

(H) Protective barriers, banisters, or guardrails shall not have any openings greater than three and one-half inches (3 1/2") and shall be constructed in a manner to prevent the child from crawling through, falling through, or becoming entrapped. (GF)

(I) All windows above the first floor level in approved child care space shall be constructed or adapted to limit the window opening accessible to children to less than three and one-half inches (3 1/2") or be otherwise protected with approved guards or barriers to prevent children from crawling through, falling through, or becoming entrapped.

(J) Windows less than twenty-four inches (24") from the floor and clear glass doors located in child care space shall have safety guards (e.g. rails or mesh) or be of safety grade glass or polymer (e.g., Lexan). Clear glass doors shall be equipped with decals or vision strips located at varying heights.

(K) Protective outlet covers or twist-lock outlets shall be used in areas accessible to the children.

(L) Heaters, floor furnaces, radiators, water heaters, woodstoves, or other heating equipment which pose a threat to children shall be separated from areas used by children by protective guardrails or barriers

at least thirty-six inches (36") high that prevent access by children.

(M) Electrical appliance cords, such as microwave or crock pot cords, shall be inaccessible to children.

(N) All flammable liquids, matches, cleaning supplies, poisonous materials, medicines, tobacco products, alcoholic beverages, hazardous personal care items or other hazardous items on the premises shall be inaccessible to children.

(O) Illegal drugs shall be prohibited on the premises.

(P) Bathtubs, buckets, pails or other containers of water shall be immediately emptied after use.

(Q) Strings and cords, such as those found on window coverings, that are long enough to encircle a child's neck shall not be accessible to children.

(R) Firearms, hunting knives, bows and arrows, pellet or BB guns, metal darts, or other weapons on the premises shall be stored in a locked cabinet or a locked closet. Firearms shall be stored with a trigger lock or another device that renders them unusable.

(S) Ammunition on the premises shall be kept in locked storage, and inaccessible to children.

(T) Smoking shall be prohibited on the premises during child care hours, when children are being transported, and during field trips.

(U) Artificial or natural lighting routinely shall supply at least thirty (30) foot-candles of light throughout each room used for child care, and at least twenty (20) foot-candles of light in each hallway, stairway, and landing.

(V) The child care home shall be dry, temperature controlled, well-ventilated and free of drafts. The temperature of the rooms shall be no less than sixty-eight degrees Fahrenheit (68°F) and no more than eighty-two degrees Fahrenheit (82°F) when measured two feet (2') from the floor.

(W) Any electric fan in the child care area shall be mounted securely on the wall or ceiling out of children's reach or equipped with blade guards that have openings no larger than one-half inch (1/2").

(X) Walls, ceilings and floors shall be clean, in good condition and free from splinters, cracks, chipping paint, bare concrete, dampness, and drafts. They shall be finished with material which can be cleaned easily.

(Y) All floors in areas measured and counted in determining child care capacity shall be covered with carpet, tile, vinyl flooring, linoleum, an approved sealant, or other approved floor covering. All floor coverings shall be clean and in good condition.

(Z) Rugs that present a sliding or tripping hazard shall not be used.

(AA) Swings or indoor climbing equipment more than twenty-four inches (24") high shall have protective floor pads or mats that effectively cushion the fall of a child. Infant swings are an exception and shall be used only with child safety restraints.

(BB) The provider shall provide shock absorbing materials required beneath indoor swings and climbing equipment. Carpeting alone is not an acceptable resilient surface under indoor equipment.

(CC) A telephone in working order shall be available for incoming and outgoing calls. If a telephone answering system is used, it shall remain turned on so incoming messages can be heard. For the purposes of this rule, a cell phone is not acceptable.

(DD) The emergency 911-telephone number shall be posted near each telephone located in approved child care space. In areas where 911 service is not available, telephone numbers for the police, fire department, poison control, ambulance and other emergency telephone numbers shall be posted near each telephone in approved child care space.

(EE) The name, street address and telephone number of the child care home shall be posted near each telephone in approved child care space.

(2) Play Space Calculations and Use.

(A) At least thirty-five (35) square feet of usable play space shall be provided for each child coming into the child care home for care.

(B) Play space shall be measured wall-to-wall from the inside walls of areas used for children's activities.

(C) To be counted as usable play space, the space must be equipped for and used by the children during all hours of the child care home's operation.

(D) Play space shall not include food preparation areas, bathrooms, closets, hallways used exclusively as passageways, or floor space occupied by furniture or shelving not used by the children or for their activities.

(E) Space occupied by permanently placed equipment that is used for napping cannot be counted as usable floor space. Napping equipment that is not permanently placed shall not be set up early or left in place to interfere with children's play activities.

(F) Storage space for play materials shall be provided. Some of the play materials shall be stored on low shelves that are accessible to the children.

(G) Each child shall be provided individual space, accessible to the child, for storage of clothing and other personal belongings.

(3) Bathrooms.

(A) At least one (1) toilet and hand washing sink shall be in working order, located on each floor used for child care and conveniently located for children's use and supervision by caregivers. (GF)

(B) At least one (1) potty chair, junior commode or toilet with an adapter seat shall be provided for every four (4) children being toilet trained. Potty chairs shall be located and used in the bathroom and shall be emptied, cleaned and sanitized after each use.

(C) Hand drying supplies (paper towels or forced air blower), soap and toilet paper shall be provided and easily accessible so the children can reach them without assistance.

(4) Diapering Area.

(A) An approved diapering surface and hand washing sink shall be used for changing diapers.

(B) Diapering supplies shall be within the caregiver's reach of the diapering surface.

(C) Hand washing supplies and warm, running water shall be located within eight feet (8') of the diapering surface.

(D) The diapering surface shall be used exclusively for the purpose of changing diapers. Items or materials unrelated to diapering shall not be placed on the diapering surface.

(E) The diapering area and hand washing area shall be separate from any food service area and any food related materials.

(5) Kitchens.

(A) Unless meals are catered from an approved source, a kitchen for meal preparation shall be provided, equipped, and maintained as required by 19 CSR 30-61.090(14).

(B) Equipment and methods for storing and serving catered foods shall meet requirements in 19 CSR 30-61.090(17).

(C) Kitchens shall not be used for children's play activities unless the activities are part of the learning program and the children are supervised by adults.

(D) Kitchens shall not be used for napping.

(6) Indoor Furniture and Equipment.

(A) General Requirements.

1. All furniture, play materials and equipment shall be clean, constructed safely, free of entrapment or choking hazards, in good condition and free of sharp, loose or pointed parts and chipped or peeling paint.

2. Only lead-free paint, stain or other products shall be used.

3. All furniture and equipment shall be arranged to provide a clear passage to all exits. Exits shall not be blocked.

(B) Sleeping Equipment.

1. Preschool-age children shall sleep on an individually assigned cot, bed, sofa, or mat provided by the child care home.

2. School-age children who nap shall have approved sleeping equipment available.

3. Napping or sleeping equipment shall be appropriate and sized to accommodate the child.

4. If family beds are used for napping or sleeping, a clean sheet shall be spread over the family bedding.

5. If a single bed, cot, sofa, padded playpen, crib or mat is used, only one (1) child shall nap or sleep on it at one (1) time.

6. If a double bed or larger is used, only two (2) children may nap or sleep on it at one (1) time.

7. Upper levels of bunk beds shall not be used.

8. Mats may be used provided that:

A. They have a nonabsorbent, cleanable surface or coverings;

B. They are long enough so the child's entire body can rest on the mat.

9. An individually assigned sheet to cover the napping surface and a blanket shall be available and used for each toddler, preschool-age and school-age child.

10. Bedding shall be changed immediately when soiled or wet.

11. If pillows are used by toddlers, preschool/school-age children, they shall be individually assigned.

12. All bedding shall be clean and shall be laundered at least once a week. Once bedding has been used by a child, it shall not be used by another child until it has been laundered.

13. Sleeping equipment shall be arranged to provide at least a two foot (2') aisle on one long side of the equipment to allow for easy access and exit.

14. Infants shall sleep in an individually assigned crib, portable crib or padded playpen provided by the child care home. Infants shall not sleep in any other equipment or place, such as adult beds, waterbeds, couches, infant swings, stacked cribs, car seats or infant carriers.

15. Any child care home licensed for children under age one shall have at least one (1) crib, portable crib or padded playpen at the time of licensure and shall obtain additional infant napping equipment before providing care for more than one (1) infant.

16. Toddlers shall sleep in an individually assigned crib, portable crib or padded playpen provided by the child care home unless written parental permission is on file to use an individually assigned sofa, bed, cot or mat.

17. Cribs shall have side or head rail spokes not more than two and three-eighths inches (2 3/8") apart. The crib shall have no cut-out openings in the headboard or footboard structure in which a child's head could become entrapped.

18. Cribs shall not have corner post extensions that present a potential hazard for clothing entanglement and strangulation.

19. Portable cribs and playpens shall have sides that lock securely in place and shall not be used with the drop side down.

20. If a mesh-sided crib or playpen is used, the mesh shall be less than one-fourth inch (1/4") in size and shall be securely attached to the top rail and floor plate. The mesh shall not have tears, holes, loose threads, or loose or exposed staples. The top rail cover shall have no tears or holes.

21. The crib mattress or playpen pad shall be firm, flat, sized correctly to the crib or playpen, in good condition, waterproof and kept clean and dry.

22. An individually assigned sheet shall be provided and used for each infant and toddler. Sheets shall be sized to assure a tight, secure fit on the crib mattress or playpen pad.

23. Pillows, quilts, comforters, sheepskins, bumper pads, stuffed animals and other soft bedding materials shall be prohibited from use in napping equipment for infants up to one (1) year of age.

24. If a blanket is used, an infant's head shall remain uncovered at all times.

25. Positioning devices, such as wedge pillows, that restrict movement within the infant's napping equipment shall not be used.

(7) Tables and Seating Equipment.

(A) Preschool and School-Age Children.

1. Table(s) and seating equipment for eating and table activities shall be available and used for children twelve (12) months of age and older.

2. Benches and picnic tables may be used for seating.

3. Children shall be seated at a table during meal times.

(B) Infants and Toddlers.

1. Infants and toddlers who are unable to sit at a table shall be served meals at a feeding table, high chair, infant seat or other safely designed infant seating equipment with manufacturer's built-in safety straps.

2. Equipment shall be provided and used which will allow a child to sit comfortably and securely while being fed.

(8) Indoor Play Equipment and Materials.

(A) General Requirements.

1. Play equipment and materials shall be clean and in good condition with all parts intact, and accessible to and used by children.

2. Play equipment and materials shall be replaced as needed to maintain the number of items required for the licensed capacity of the child care home.

3. Sets of toys, such as Legos or blocks shall count as multiple items according to the number of children for which the set is designed.

4. Toys, parts of toys or other materials that present a choking hazard shall not be accessible to children three (3) years of age or younger. The child care home shall have a choke prevention measuring device available to determine if an object is small enough to be swallowed.

5. Non-stationary infant walkers shall not be used.

(B) Preschool and School-Age Children.

1. Children twenty-four (24) months of age and older shall have age-appropriate toys, books, creative materials and activities which provide opportunities for individual choices.

2. A minimum of fifty (50) approved items shall be required. The fifty (50) items shall include at least five (5) items from each of the following categories:

A. Blocks, construction and transportation toys;

B. Manipulatives;

C. Creative arts;

D. Large muscle activities;

E. Library and language activities;

F. Music and rhythm activities;

G. Dramatic and housekeeping play; and

H. Science activities or sensory experiences.

(C) Infants and Toddlers.

1. Toys and materials shall include a minimum of eight (8) age-appropriate, approved items for each infant and toddler included in the licensed capacity. The eight (8) items shall include one (1) item from each of the following categories:

A. Language development such as cloth and plastic coated books, puppets, etc.

B. Sensory stimulation such as mobiles, squeeze toys, non-breakable mirrors, rattles, etc.

C. Manipulative toys such as shape sorting box, pop-up toys, large snap beads, nesting cups, puzzles, interlocking blocks, etc.

D. Motor development such as soft balls of various sizes, large soft blocks, push-pull toys with strings no longer than twelve inches (12"), small wheeled riding toys, small climber with slide attached, etc.

E. Art such as large non-toxic crayons and paper, play dough, finger paints, etc.

F. Dramatic play such as dolls, pots and pans, small transportation toys, plastic spoons and dishes, toy telephones, kitchen sets, etc.

G. Music and movement such as cassette player with tapes, compact discs, rhythm instruments, etc.

H. Blocks, construction and transportation toys such as large cardboard blocks, unit blocks, hollow blocks, animal and people figures, etc.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions one hundred thirty-seven thousand two hundred thirty-six dollars (\$137,236) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities six hundred seventy-two thousand four hundred eighty dollars (\$672,480) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.065 Indoor Space and Equipment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$137,236 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (6\%) = \$137,236$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 6% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.065 Indoor Space and Equipment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
272 New Facilities 1,893 Existing Facilities	Child Care Homes	\$672,480.00 annually

III. WORKSHEET

(Number of affected facilities) X (Average cost of Modifications) = Building Modification Aggregate

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Monitoring Aggregate

(Number of affected facilities) X (Cost of indoor equipment) = Equipment Aggregate

Monitoring Aggregate + Modification Aggregate + Equipment Aggregate = Total Aggregate Cost

(54) X (\$600) =	\$32,400 (Modifications)
(272) X (\$400) =	\$108,800 (Modifications-Phone)
(54) X (\$200) =	\$10,800 (Modifications)
(272) X (20) X (\$10.00) =	\$54,400 (Monitoring)
(1893) X (4) X (\$10.00) =	\$75,720 (Monitoring)
(272) X (\$600) =	\$163,200 (Equipment)
(1893) X (\$120) =	\$227,160 (Equipment)

Total – \$672,480.00

IV. ASSUMPTIONS

1. This proposed rule in regards to Child Care Home modifications will not affect the 1,893 currently licensed Child Care Homes per provisions allowed in the "Grandfather Clause".
2. BCC estimates 272 new Child Care Homes will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for Child Care Homes over the past twelve (12) months.
3. BCC estimates that twenty (20) percent of the 272 newly licensed Child Care Homes (54 facilities) will require safety improvements to their ceiling, walls or floor covering rules and all 272 will be required to comply with the "available phone" rule in this section. It is estimated that the cost of improvements to walls, ceilings and floors will be \$600 and the cost of making a phone available will be \$400.

4. BCC estimates that twenty (20) percent of the 272 newly licensed Child Care Homes (54 facilities) will require building modifications to comply with rules for handrails and protective barriers at a cost of \$200 per facility for handrails/barriers.
5. Home Provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
6. BCC estimates the home providers of initially licensed Child Care Homes will spend twenty (20) hours to oversee, plan and monitor these rule requirements.
7. BCC estimates the home providers of currently licensed Child Care Homes will spend four (4) hours to oversee, plan and monitor these rule requirements.
8. BCC estimates that the initially licensed Child Care Homes will spend approximately \$600 to comply with indoor equipment requirements. (This estimate is based on a normal purchasing process. A facility could spend a dramatically smaller amount by utilizing used equipment or by providing a less costly type of equipment choices.)
9. BCC estimates that currently licensed Child Care Homes will spend approximately \$120 to comply with the increased indoor equipment requirements.
10. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.070 Outdoor Space and Equipment

PURPOSE: This rule sets forth the requirements for the outdoor space, equipment and materials needed in a child care home.

NOTE: Current rules with a "grandfather clause" will be identified by the symbol (GF) after the affected rule.

(1) General Requirements.

(A) The outdoor space, furniture, equipment and materials accessible to children shall be safe and suitable for the care of children.

(B) Children shall not have access to areas not approved for child care, such as storage sheds. Approved safety gates or locked doors may be required. Accordion gates or tension gates shall not be used at the top of stairs.

(C) Stairways in approved outdoor child care space shall be free of obstructions.

(D) Stairways in approved outdoor child care space having more than three (3) steps shall have a handrail placed at a height that is thirty-four inches to thirty-eight inches (34"–38") from the steps. (GF)

(2) Outdoor Space.

(A) A fenced outdoor play area shall be available and shall be used for children's outdoor play at the child care home.

(B) The outdoor play area shall have a minimum of seventy-five (75) square feet for each child in the licensed capacity.

(C) Children shall be able to enter the fenced play area directly from the approved indoor child care space. (GF)

(D) The fenced play area shall be free of hazards such as swimming and wading pools, lakes, ponds, lagoons, ditches, excavations, landscaping ponds, fountains and other bodies or containers of water, unless such hazards are fenced separately to prevent access by children.

(E) The play area shall be maintained in a clean and safe condition for children's activities and shall be free of tripping hazards, trash, animal excrement, broken glass, construction materials, dilapidated buildings, or other debris.

(F) The play area fence shall be at least forty-eight inches (48") high and shall be permanently installed. (GF)

(G) Openings in the fence shall be no greater than three and one-half inches (3 1/2") with the fence designed to prevent children from climbing, crawling or falling through or becoming entrapped. (GF)

(H) The fence shall be in good condition, with a gate that allows emergency exit from the outdoor play area.

(I) Gates shall be equipped with self-closing and positive self-latching closure mechanisms.

(J) Caregivers shall inspect the outdoor play area and equipment daily for hazards before child care use.

(K) Retaining walls, terracing, porches, decks or other structures that have a drop-off of more than twenty-four inches (24") from which children might fall and be injured shall have an approved barrier installed. The barrier shall be at least thirty-six inches (36") high and shall be constructed to prevent children from climbing, crawling or falling through or becoming entrapped. Openings in the barrier shall be no greater than three and one-half inches (3 1/2").

(L) Air conditioner units shall be free of hazards such as exposed wiring or fan blade guards with openings more than one-half inch (1/2"). Air conditioner units that are a hazard shall be barricaded by a forty-eight inch (48") fence.

(M) The play area shall have good drainage.

(N) Equipment used for climbing shall not be placed over, or immediately next to, hard surfaces such as asphalt, concrete or dirt.

(O) There shall be a fall-zone area under and around swings and outdoor climbing equipment over twenty-four inches (24") in height from which children might fall and be injured.

(P) The fall-zone area shall be covered with shock absorbing materials which will effectively cushion the fall of a child. This material may include sand, pea gravel, tanbark, shredded tires, wood chips, rubber matting or other approved shock absorbing material.

(Q) Areas under and around outdoor equipment shall have maintenance prior to use to ensure that the shock absorbing material remains in place and retains its cushioning properties. The shock absorbing material shall be supplemented immediately or replaced as needed.

(R) Concrete, asphalt, carpet, grass or bare soil are not acceptable shock absorbing surfaces under outdoor equipment from which children might fall and be injured.

(3) Outdoor Play Equipment and Materials.

(A) Equipment sufficient for the ages and number of children in the licensed capacity shall be provided and used.

(B) Caregivers shall instruct and supervise children in the safe use of the equipment.

(C) All equipment shall be of safe design and construction, in good condition, free of sharp, loose or pointed parts. Only lead-free paint, stain or other lead-free or non-toxic products shall be used.

(D) All newly added or replaced equipment shall be free of CCA treated lumber (lumber treated with a pressurized solution containing copper chromates and arsenic). (GF)

(E) Equipment shall not pose a risk of entrapment or strangulation. A play structure shall have no openings between three and one-half inches (3 1/2") and nine inches (9").

(F) Stationary equipment such as swings, slides and climbers shall be securely anchored so that it does not tip or overturn.

(G) Equipment shall be constructed to permit drainage.

(H) Stationary equipment shall not have exposed footings.

(I) All equipment shall be placed to avoid accidents or collisions.

(J) All stationary equipment shall have a minimum of six feet (6') clearance space from other stationary equipment, walkways, fences, buildings and other structures. (GF)

(K) Any part of the equipment from which children might fall shall not be more than six feet (6') in height.

(L) Equipment with parts that might pinch or crush children's hands or fingers shall not be used unless the parts that pose a threat to children have guards or covers.

(M) Protrusions such as pipes or wood ends that may catch a child's clothing are prohibited.

(N) "S" hooks shall be pinched together to prevent catching children's skin or clothing and to prevent swing chains from disengaging from their supports.

(O) Children's swings shall have lightweight seats of rubber, plastic, canvas or nylon.

(P) Multiple occupancy swings, gliders, animal figure swings, and swinging gates shall be prohibited.

(Q) Exposed bolts and screws shall be securely tightened and shall be recessed into the frame, covered or filed to avoid sharp edges.

(R) Ropes, loops or any hanging apparatus that might entrap, close or tighten upon a child shall not be permitted.

(S) Jump ropes shall be used only as intended and with adult supervision.

(T) Climbing ropes shall be anchored at top and bottom.

(U) Sand boxes and other areas designated for sand play shall be:

1. Enclosed to contain the sand and covered with a lid or other covering when they are not in use.

2. Kept free from animal excrement and other toxic or harmful debris.

3. Cleaned and refilled as needed.

(V) Trampolines shall be prohibited and shall not be used in approved child care space, indoor or outdoor.

(W) Mini-trampolines, aerobic bouncers or other similar small jumping equipment may be used with close supervision.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions one hundred thirty-seven thousand two hundred thirty-six dollars (\$137,236) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities five hundred seventy-five thousand two hundred dollars (\$575,200) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.070 Outdoor Space and Equipment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$137,236 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (6\%) = \$137,236$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 6% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.070 Outdoor Space and Equipment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
272 New Facilities	Child Care Homes	\$575,200.00 annually
1,893 Existing Facilities		

III. WORKSHEET

(Number of affected facilities) X (Average cost of Modifications) = Building Modification Aggregate

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Monitoring Aggregate

(Number of affected facilities) X (Cost of indoor equipment) = Equipment Aggregate

Monitoring Aggregate + Modification Aggregate + Equipment Aggregate = Total Aggregate Cost

(272) X (\$1000) = \$272,000 (Modifications)
 (379) X (\$800) = \$303,200 (Modifications)
 (189) X (\$100) = \$18,900 (Modifications)
 (272) X (10) X (\$10.00) = \$27,200 (Monitoring)
 (1893) X (4) X (\$10.00) = \$75,720 (Monitoring)
 (272) X (\$200) = \$54,400 (Equipment)

Total = \$575,200.00

IV. ASSUMPTIONS

1. This majority of this proposed rule for Child Care Home modifications will not affect the 1,893 currently licensed Child Care Homes per provisions allowed in the "Grandfather Clause".
2. BCC estimates 272 new Child Care Homes will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for Child Care Homes over the past twelve (12) months.
3. BCC estimates that each of the 272 newly licensed Child Care Homes will require outdoor fencing and resilient surfacing modifications. BCC estimates that twenty (20) percent of the 1893 currently licensed Child Care Homes (379 facilities) will also require fencing and resilient surface modifications. It is estimated that the cost of fencing will average \$600 per facility and the average cost of resilient surfacing to be \$200.

4. BCC estimates that each of the 272 newly licensed Child Care Homes will require building modifications to comply with rules for handrails and protective barriers at a cost of \$200 per facility.
5. BCC estimates that ten (10) percent of the 1,893 currently licensed Child Care Homes (189 facilities) will require building modifications to comply with rules for protective barriers at a cost of \$100 per facility.
6. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
7. BCC estimates the home providers of initially licensed Child Care Homes will spend ten (10) hours to oversee, plan and monitor these rule requirements.
8. BCC estimates the facility directors of currently licensed Child Care Homes will spend four (4) hours to oversee, plan and monitor these rule requirements.
9. BCC estimates that the initially licensed Child Care Homes will spend approximately \$200 to comply with outdoor equipment requirements. (This estimate is based on a normal purchasing process. A facility could spend a dramatically smaller amount by utilizing used equipment or by providing a less costly type of equipment choices.)
10. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.075 Swimming Pools, Wading Pools and Hot Tubs

PURPOSE: This rule sets forth requirements for the maintenance, operation and use of outdoor and indoor swimming pools, wading pools and hot tubs.

NOTE: Current rules with a "grandfather clause" will be identified by the symbol (GF) after the affected rule.

(1) Children shall not have unsupervised access to swimming and wading pools.

(2) Swimming and wading pools used by children shall be constructed, maintained in good condition, and used in a manner that safeguards the lives and health of children.

(3) If in-ground swimming pools, aboveground swimming pools less than forty-eight inches (48") in height, and/or wading pools are located within the children's fenced outdoor play area, they shall be fenced separately to prevent children's access. The separately fenced area shall not be used as a passageway by children to other child care areas.

(4) Any fence used to restrict children's access to a swimming or wading pool shall be at least forty-eight inches (48") high, shall have a key or combination locked gate, and shall be constructed to prevent a child from climbing into the pool. (GF)

(5) Aboveground pools located within the children's fenced outdoor play area shall have non-climbable side walls that are at least forty-eight inches (48") high or shall be enclosed by a fence that is at least forty-eight inches (48") high with a key or combination locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to assure they cannot be accessed.

(6) If an aboveground pool is required to be fenced, a forty-eight inch (48") fence around the top of the pool may be used.

(7) Any fence used to restrict children's access to a swimming or wading pool shall be at least forty-eight inches (48") high, shall have a key or combination locked gate, and shall be constructed to prevent a child from climbing into the pool.

(8) A wall of the facility shall not constitute one (1) side of the fence unless the wall prevents direct access to the pool.

(9) Pool chemicals shall be in a locked area inaccessible to the children and shall not be added to the pool when children are in the pool area.

(10) Children using any swimming or wading pool shall receive constant direct supervision by at least two (2) adult caregivers at all times.

(11) Caregivers shall instruct children who use swimming or wading pools about water safety.

(12) An adult with a current lifeguard training certificate, including Infant/Child Cardiopulmonary Resuscitation (CPR) training, shall be on duty by the pool at all times when a swimming or wading pool containing a water depth of more than forty-eight inches (48") is being used.

(13) An adult who has completed a course in basic water safety and current Infant/Child CPR, shall be on duty by the pool when a swimming or wading pool containing a water depth of forty-eight inches (48") or less is being used.

(14) The provider shall post the location of the pool pump and filtration system with emergency shut-off instructions in clear view near the pool entrance.

(15) All caregivers shall be aware of the location of the pool's pump and filtration system and shall be able to turn the system off in the event of an emergency.

(16) Caregivers shall have immediate access to a working telephone located at the pool. For the purposes of this rule, a cell phone is not acceptable.

(17) Hot tubs shall not be used by children.

(18) A hot tub shall have an approved, locked hard cover in place at all times that children are in care, or the hot tub shall be enclosed by a fence that is at least forty-eight inches (48") high, which is constructed to prevent a child from climbing into the hot tub area and which has a locked gate. (GF)

(19) Indoor pools and hot tubs shall be in a locked restricted area that does not allow access by children.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twenty-two thousand eight hundred seventy-three dollars (\$22,873) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred thirty-eight thousand seven hundred dollars (\$138,700) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.075 Swimming Pools, Wading Pools and Hot Tubs
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$22,873 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (1\%) = \$22,873$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

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|--|----------------|
| • CCFS II (70) | \$2,450,000. |
| • Office Support Assistant –OSA (11.5) | 241,500. |
| • Senior OSA (6) | 132,000. |
| • Administrative OSA (1) | <u>23,460.</u> |
| | \$4,158,340. |
2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
 3. Total BBC Sanitation Outsourcing cost is \$469,000.
 4. Total BCC budget cost for all regulatory work is \$5,198,340.
 5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
 6. This rule represents 1% of the total Child Care Homes work load.
 7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.075 Swimming Pools, Wading Pools and Hot Tubs
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
27 New Facilities	Child Care Homes	\$138,700.00 annually
200 Existing Facilities		

III. WORKSHEET

(Number of affected facilities) X (Average cost of Modifications) = Building Modification Aggregate

(Number of affected facilities) X (Average Staffing Cost) = Staffing Cost Aggregate

(Staffing Cost Aggregate + Modification Aggregate = Total Aggregate Cost

(27) X (\$100) = \$2,700 (Modifications)

(227) X (\$600) = \$136,000 (Staffing)

Total = \$138,700.00

IV. ASSUMPTIONS

1. This majority of this proposed rule for Child Care Home modifications will not affect the 1,893 currently licensed Child Care Homes per provisions allowed in the "Grandfather Clause".
2. BCC estimates 272 new Child Care Homes will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for Child Care Homes over the past twelve (12) months.
3. BCC estimates that each of the newly licensed Child Care Homes that choose to have a swimming pool, wading pool or hot tub will require outdoor fencing modifications. It is estimated that the cost of fencing will average \$100 per facility. (Note that swimming pools are provided at the choice of the provider. These costs are based the requirements should the provider opt to have a swimming pool, wading pool or hot tub.)
4. BCC estimates that of the 272 newly licensed Child Care Homes approximately ten (10) percent (27 facilities) will chose to have swimming pools, wading pools or hot tubs.
5. Home provider caregiver's (additional staff) annual salary is estimated at \$5.00 per hour.

6. BCC estimates the cost of meeting the increased staffing requirements of this rule will be approximately \$600 per year. (120 hours of usage X \$5.00/hour).
7. BCC estimates that approximately 200 currently licensed Child Care Homes have swimming pools, wading pools or hot tubs.
8. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.080 Animals

PURPOSE: This rule sets forth the requirements if animals are present at a child care home.

(1) Animals that exhibit aggressive behavior (such as growling, nipping or biting), or animals that may otherwise pose a health or safety threat shall not be permitted on the premises or shall be securely penned at all times in a manner that prevents any access by the children.

(2) Caregivers shall instruct children regarding safe, appropriate interaction with and treatment of animals.

(3) Caregivers shall supervise contact between animals and children and shall remove the child immediately if the animal shows signs of distress or the child shows signs of treating the animal inappropriately.

(4) If an animal bites or otherwise injures a child, these requirements shall be met:

(A) The caregiver shall follow appropriate emergency procedures and notify the child's parent(s), legal guardian, or legal custodian as specified in 19 CSR 30-61.150(6).

(B) The caregiver shall immediately report the incident to the county health department. If possible, the caregiver shall restrain the animal for observation by authorities.

(C) Within twenty-four (24) hours, the provider shall report the incident to the bureau and to the parent(s), legal guardian, or legal custodian of the other children.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twenty-two thousand eight hundred seventy-three dollars (\$22,873) annually in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.080 Animals
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$22,873 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (1\%) = \$22,873$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
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• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant --OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 1% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.085 Physical Requirements of Family Day Care Home. This rule set forth the requirements for the physical plant and indoor and outdoor space.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-61.070 and 13 CSR 30-61.085. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.085, effective Dec. 9, 1993. Changed to 19 CSR 30-61.085 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.086 Fire Safety. This rule established the fire safety requirements for family day care homes.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1998. Original rule filed Feb. 18, 1999, effective Sept. 30, 1999. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.086 Fire Safety Requirements

PURPOSE: This rule establishes the fire safety requirements for child care homes.

(1) The following definitions shall be used in interpreting this rule:

(A) Alterations are changes made to the structure or floor plan of the facility by removing or adding walls and doors or adding space;

(B) Dead-end is a corridor or hallway with no exit at the end that causes occupants to retrace their path to reach an exit;

(C) Exit is the portion of a means of egress that is separated from all other areas of the building or structure by construction or equipment required to provide a protected way of travel to the exit discharge. Exits include exterior exit doors, exit passageways, horizontal exits, separated exit stairs, and separated exit ramps;

(D) Exit access is the portion of a means of egress that leads to an exit;

(E) Exit discharge is the portion of a means of egress between the termination of an exit and a public way;

(F) Fire barrier is a structural element, either vertical or horizontal, such as a wall or floor assembly that is designed and constructed with a specified fire resistance rating to limit the spread of fire and restrict the movement of smoke. Such barriers may have protected openings;

(G) Fire door is a combination of the fire door, frame, hardware and other accessories that together provide a specific degree of fire protection to the opening;

(H) Fire resistance rating is the length of time in minutes or hours that materials or structural elements can withstand fire exposure;

(I) Flame resistant material is the property of material or their structural elements that prevents or retards the passage of excessive heat, hot gases, or flames under the conditions in which they are used;

(J) Flame retardant is a chemical applied to material or other substance that is designed to retard ignition or the spread of fire;

(K) Interior finish includes the interior wall and ceiling finish, and interior floor finish;

(L) Level is the portion of a building included between the upper surface of a floor and the ceiling above it, or any upper surface of a floor and the ceiling above it that is separated by more than five (5) steps on a stairway;

(M) Level exit discharge is a horizontal plane that is located from the point at which an exit terminates and the exit discharge begins. The horizontal plane shall not vary more than two inches (2") in rise or fall;

(N) Means of egress is a continuous and unobstructed way of travel from any point in a building or structure to a public way. A means of egress consists of three (3) distinct parts: the exit access, the exit, and the exit discharge;

(O) Mixed occupancy is when a family day care home is located in the same building or structure as another occupancy. This may include a business or place of assembly;

(P) Public way is an area such as a street or sidewalk that is open to the outside and is used by the public for moving from one location to another; a street, alley or other similar parcel of land essentially open to the outside air deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width and height of not less than ten feet (10').

(Q) Remote exit or means of egress is when two (2) exits or two (2) exit access doors are required. Each exit or exit access door shall be placed at a distance apart equal to at least one-half (1/2) the length

of the maximum overall diagonal dimension of the building or area to be used;

(R) Self-closing means to be equipped with an approved device that will ensure closing after having been opened;

(S) Smoke barrier is a structural element, either vertical or horizontal, such as a wall, floor, or ceiling assembly that is designed and constructed to restrict the movement of smoke. A smoke barrier may or may not have a fire resistance rating; and

(T) Supervised automatic sprinkler system is a system with the initiating devices monitored by the fire alarm control panel. This may include switches used to monitor the position of valves, a low air pressure switch, a water flow switch, and a tamper switch.

(2) General Requirements.

(A) The Missouri Division of Fire Safety shall inspect the facility annually for the capacity specified on the license application and the fire inspection request. The inspection shall include a determination of whether or not the facility is approved for overlap care as provided in 19 CSR 30-61.180 Overlap Care of Children.

(B) Hangings or draperies shall not be placed over exit doors or located to conceal or obscure any exit. All hangings and draperies shall be treated with a flame retardant material with verification of the treatment on file at the facility and available for review by the fire inspector. Exception: valance or cloth material directly above a window that is not within reach of a child.

(C) Mirrors shall not be placed on exit doors or adjacent to any exit that may confuse the direction of any exit.

(D) At least one (1) portable, operable flashlight for each staff member shall be located on each level of the home and shall be accessible to staff in the event of power failure.

(E) Caregivers shall conduct at least one (1) fire drill each month and a disaster drill at least every three (3) months. The disaster drills shall include tornado drills. The provider shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building, and number of children present during the drill.

1. Unscheduled drills may be held at the fire inspector's discretion.

2. A full evacuation of the home may be postponed during inclement weather.

3. An evacuation/emergency plan for fires and tornadoes that is approved by the fire inspector shall be posted in the home in a central location, clearly show the route(s) for evacuation and be visible to all occupants. The plan shall include special instructions for infants and non-ambulatory children.

4. Fire drills shall be conducted as follows:

A. Drills shall simulate an actual fire condition;

B. The children shall not obtain clothing or other items after the alarm has sounded;

C. The children shall proceed to a predetermined location outside the building that is sufficiently remote to avoid fire danger, interference with fire department operations, or confusion among different groups of children; and

D. Groups shall remain in place until a recall to the building is issued or the children are dismissed.

(F) Children shall have no access to areas of the building that do not meet fire safety requirements.

(G) All flammable or combustible liquids, matches, lighters, or other hazardous items shall be stored so they are inaccessible to the children.

(H) The house address numbers shall be plainly visible from the street in case of emergency.

(I) Housekeeping practices that ensure fire safety shall be maintained daily.

(J) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(K) The provider shall immediately report any fire in the child care home to the Office of the State Fire Marshal and the Department of Health and Senior Services, Bureau of Child Care.

(L) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the fire inspector.

(M) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(N) Mobile homes manufactured after November 27, 1973, shall comply with the Missouri Public Service Commission, regulations for mobile home tie-down systems. Manufactured homes shall comply with section 700.070, RSMo 2000, regarding tie-down systems.

(O) The 2003 edition of the National Fire Protection Association (NFPA), Chapter 101, *Life Safety Code*, shall prevail in the interpretation of this rule.

(P) When the licensed capacity increases, hours of care change, alterations are completed, or other changes occur that affect fire safety, the provider shall meet all the requirements of this rule unless otherwise excepted by the Division of Fire Safety.

(Q) Facilities that were licensed and areas approved for child care prior to September 30, 1999 shall have ceilings at least seven feet (7') in height. Facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall meet all the requirements of this rule and shall have ceilings at least seven feet, six inches (7'6") in height. If alterations are made in facilities licensed after September 30, 1999, those facilities shall meet all the requirements of this rule and shall have ceilings at least seven feet, six inches (7'6") in height in the altered space. The fire inspector may make an allowance for the installation of ductwork and plumbing.

(R) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(S) Clothes dryers shall be vented and maintained properly.

(T) Candles and oil burning lamps shall not be used during child care hours.

(3) Mixed Occupancies.

(A) In addition to meeting all the requirements of this rule, child care homes initially licensed and areas initially approved for child care on or after September 30, 1999 shall meet the following requirements. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet these requirements in the altered space—

1. When a facility is located in a building containing mixed occupancies, the other occupancies shall be separated from the child care home by at least a one (1)-hour fire barrier.

A. In facilities in apartment buildings, when both exit accesses exit into the same corridor, the corridor shall be protected throughout by a fire barrier with at least a one (1)-hour fire resistance rated construction. All doors that open into the corridor shall be at least thirty-two inches (32") wide, have a twenty (20)-minute fire resistance rating, and be self-closing.

B. No facility shall be located next to a high hazard area or occupancy. A high hazard area or occupancy is an area, building, structure, or portions thereof, that contains heat-producing appliances, or that manufactures, processes, generates or stores materials that constitute a high fire, explosion, or health hazard. This includes any area, structure, or building posing a degree of hazard greater than normal to the general occupancy of the area, structure, or building.

(4) Exiting and Means of Egress.

(A) Each level occupied by children shall have at least two (2) remotely located means of egress. Each door opening in a means of egress shall be at least twenty-eight inches (28") wide. In new construction, each door opening shall be a minimum of thirty-six inches (36") wide.

(B) Each room over three hundred (300) square feet in size that is used for child care shall have at least two (2) means of egress. At least one (1) means of egress shall be a door or stairway providing a means of unobstructed travel through the home to the outside of the building at street or ground level. The second means of egress may be a window in accordance with 19 CSR 30-61.090(5) Fire Safety.

(C) No room or space that is accessible only by a ladder, folding stairs, overhead door, or through a trap door shall be occupied at any time.

(D) Facilities that use a garage as a second exit shall have no flammable or combustible liquids stored in the garage unless approved by the fire inspector. Overhead garage doors are not recognized as exit doorways.

(E) Automobiles shall not be stored in the garage during child care hours if there is an exit through the garage, unless the fire inspector determines that there is sufficient space for safe evacuation.

(F) No door in a means of egress shall be locked against egress travel when the building is occupied. Locking devices that impede or prohibit egress or that cannot be disengaged easily shall not be used. Dead bolt locks that require a key to unlock the door from the inside shall not be used. Locking or latching devices installed on doors shall not be located higher than fifty inches (50") above the finished floor.

(G) Where two (2) exits or exit access doors are required, they shall be remotely located from each other.

(H) Closet door latches shall be designed so children can open the doors from the inside. Bathroom door locks shall be designed to permit opening of the door from the outside in an emergency. The opening device or key shall be readily accessible to the staff.

(I) Stairways, landings, and ramps shall be free of all objects.

(J) Dead-ends as defined by 19 CSR 30-61.090(1)(B) Fire Safety shall not exceed twenty feet (20').

(5) Windows for Rescue and Ventilation.

(A) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall meet the following requirements. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet these requirements in the altered space—

1. Every room or space greater than three hundred (300) square feet used by children shall have at least one (1) outside window for emergency rescue and ventilation. The window shall be operable from the inside without the use of tools and shall provide a clear opening of at least twenty inches (20") wide, twenty-four inches (24") in height. The total clear opening space shall be no less than 5.7 square feet in size. The bottom of the opening shall be no more than forty-four inches (44") above the floor and any latching device shall be operated easily. The clear opening shall be a rectangular solid, with a minimum width and height that provides the required 5.7 square feet opening and a minimum depth of twenty inches (20") to allow passage through the opening. The windows shall be accessible by the fire department and shall open into an area having access to a public way. This does not apply when the room or space has a door leading directly to the outside of the building; and

2. No windows shall have bars or any other items placed over them in a stationary manner that would impede a rescue or evacuation attempt.

(6) Level of Exit Discharge.

(A) Areas used for child care shall not be located more than one (1) level below ground level.

(B) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall meet the following requirements. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet these requirements in the altered space—

1. Where children are occupying a level below or above the level of exit discharge (basement or second floor), at least one (1) means of egress shall be an exit discharging directly to the outside. The vertical travel to ground level shall not exceed eight feet (8') for the basement and twelve feet (12') for the second floor; and

2. Where children are occupying a level below or above the level of exit discharge (basement or second floor), arrangement of means of egress shall be remote from each other.

(7) Travel Distance.

(A) The travel distance between any room door intended as an exit access or an exit shall not exceed one hundred feet (100'). This travel distance may be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the fire inspector based on the National Fire Protection Association's Standards for Sprinkler Systems.

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150'). This travel distance may be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the fire inspector based on the National Fire Protection Association's Standards for Sprinkler Systems.

(C) The travel distance between any point in a sleeping room and an exit access to that room shall not exceed fifty feet (50').

(8) Emergency Lighting.

(A) Emergency lighting shall be installed if the facility is providing nighttime care or if the fire inspector determines that the safety of the occupants is endangered. Emergency lights shall have a ninety (90)-minute battery backup and shall be installed at a location determined by the fire inspector.

(9) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be Class C as provided in the 2003 edition of the National Fire Protection Association, Chapter 101, *Life Safety Code*. Textile materials having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic material shall not be used as an interior wall, ceiling, or floor finish.

(B) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall have wall studs, ceiling joists, and floor joists that are covered with a minimum of Class C finish with no exposed studs or joists. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet these requirements in the altered space.

(10) Detection and Extinguishment.

(A) Smoke detectors shall be installed in all child care homes.

(B) Smoke detectors shall be in good operating condition with a functional battery installed. If the smoke detector is not operational, the provider shall install a smoke detector that is powered by the home's electrical system with a nine (9)-volt battery backup.

(C) Smoke detectors shall be installed on each level of the home in or near all sleeping areas. Additional smoke detectors shall be required in other rooms and areas if the fire inspector determines that the safety of the occupants is endangered.

(D) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. (i.e., battery detector, replace with a battery detector. Hard wire detector, replace with a hard wire detector.) The new smoke detectors shall

have the installation date written on the side of the detector for the fire inspector to reference. All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detector's manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(E) Facilities using equipment or appliances that pose a potential carbon monoxide risk, including homes with attached garages shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The fire inspector may require additional carbon monoxide detectors if the inspector determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery-operated detector is not operational, the provider shall install a detector that is powered by the home's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the provider shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the provider has documentation on file at the facility verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the fire inspector, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the children in care, the fire inspector shall take measures necessary to protect the children. This may include evacuation of the building or closing the facility. The provider shall obtain and have on file at the facility, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The facility shall be reinspected by the fire inspector and determined safe before the children can return to the building or the facility can reopen.

(F) At least one (1) portable, five pound, 2A-10 BC, fire extinguisher shall be required in all facilities and located near the kitchen or a location required by the fire inspector. Facilities using more than one (1) level shall have an additional extinguisher on each level.

(G) Fire extinguishers shall be installed and maintained according to the instructions of the fire inspector and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the fire inspector.

(H) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall meet the following requirements. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet these requirements in the altered space—

1. Smoke detectors shall be powered by the home's electrical system and have a nine (9)-volt battery backup. When more than one (1) smoke detector is required by the fire inspector, the smoke detectors shall be interconnected so that when one (1) smoke detector activates, it causes an alarm in all smoke detectors; and

2. Where the child care home is located within a building of another occupancy such as in an apartment building or office building, any corridors serving the child care home shall be provided with a smoke detector(s) that will activate the smoke detector(s) inside the child care home.

(I) Facilities that have a supervised automatic sprinkler system installed shall have the system tested and approved annually by a fire sprinkler company. Sprinkler systems as required by fire safety rules and regulations or meeting an approved equivalency, shall not be taken out-of-service. Non-functional sprinkler systems not required by fire safety rules and regulations shall not remain in place. If a system is in place the system shall be functional. A copy of the test

report and approval of the system shall be kept on file at the facility and available for review by the fire inspector.

(11) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the fire inspector considers the wiring to be unsafe for the occupants or it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, *National Electrical Code*.

(B) Protective covers or inserts for electrical receptacles shall be installed in all areas occupied by children.

(C) Electrical extension cords shall not be used unless approved in writing by the fire inspector.

(D) Combustible items shall not be stored within thirty inches (30") of breaker boxes and electrical switching boxes.

(12) Heating, Ventilating, Air Conditioning Equipment and Mechanical Equipment.

(A) Unvented fuel-fired room heaters and portable electrical space heaters shall not be used during child care hours. The provider shall sign a compliance letter verifying that such equipment will not be used.

(B) Facilities with a water heater over two hundred thousand (200,000) British thermal units (Btus) per hour input or larger, or that is heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(C) Floor furnaces shall have noncombustible protective guards installed around them and shall be located so they do not block access to an exit from any area of the licensed child care space.

(D) Heating equipment, fireplaces, and radiators in areas occupied by children shall have partitions, screens, or other means to protect children from hot surfaces and open flames. If solid partitions are used, provisions shall be made to ensure adequate air for combustion and ventilation for heating equipment. Partitions shall be constructed of noncombustible material and shall not obstruct exit access.

(E) All heating equipment shall be equipped with thermostatic controls and shall be vented properly by a galvanized flue pipe with screws at every joint in the pipe or by material recommended by the manufacturer.

(F) All water heaters shall have a properly sized non-adjustable pressure relief valve. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall not be restricted. The drip leg shall be copper. In facilities initially licensed and areas initially approved for child care prior to the effective date of this rule, Chlorinated PolyVinyl Chloride (CPVC) or copper pipe is acceptable for the drip leg pipe.

(G) Furnace rooms shall be vented properly. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. Galvanized pipe shall be secured by screws at every joint in the pipe.

(H) Joints in gas supply pipes shall be located outside the furnace cabinet housing.

(I) Furnaces, water heaters and boilers shall be located inside a fire resistant room that is constructed of five-eighth inch (5/8") sheet rock or equivalent on the interior, exterior, and ceiling. The room shall have a one and three-quarter inch (1 3/4") thick solid core door. Furnace rooms and rooms containing water heaters shall not be required to be fire resistive if an automatic sprinkler head is installed off the domestic water system and a smoke detector is located directly outside the room that is interconnected to the other smoke detectors throughout the home.

(J) Furnace rooms and rooms containing water heaters shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one (1) square inch per one thousand (1,000) Btu input, if the combustion air is drawn from inside the structure and one (1) square inch per four thousand

(4,000) Btu input if the air is drawn from outside the structure through the attic or crawl space. There shall be two (2) combustion air vent openings in each furnace room. One (1) opening shall be located at the lower level and the other at the upper level.

(K) Air conditioning, heating, ventilating ductwork, and related equipment shall be installed safely and be in good operating condition as determined by the fire inspector. The fire inspector shall base this on the National Fire Protection Association, Chapter 90A, Standard for the Installation of Air Conditioning and Ventilating Systems; or National Fire Protection Association, Chapter 90B, Standard for the Installation of Warm Air Heating and Air Conditioning Systems, as applicable.

(L) Fireplaces and wood burning stoves shall be installed safely and operate in good working condition as determined by the fire inspector.

(M) Flues shall be inspected and cleaned once a year, and the provider shall have documentation of the inspection and cleaning on file at the facility and available for review by the fire inspector. A spark arrestor shall be installed at the chimney outlet.

(N) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall meet the following requirements. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet these requirements in the altered space—

1. Gas shut-off valves shall be located next to all gas appliances, furnaces, and water heaters;

2. If a furnace or water heater is located inside a garage, it shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room. The room shall be constructed of five-eighth inch (5/8") sheet rock on the interior and exterior wall and interior ceiling and shall have a one and three-quarter inch (1 3/4") thick solid core door; and

3. Furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(O) Combustible items shall not be stored within thirty-six inches (36") of a water heater, furnace and boiler.

(P) Suspended mounted ceiling furnaces that are not connected to a ductwork system shall not be mounted in or above the path of egress.

(13) Equivalency Concepts.

(A) Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Feb. 18, 1999, effective Sept. 30, 1999. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions one hundred sixty-one thousand five hundred sixty-eight dollars (\$161,568) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred fifteen thousand seven hundred twenty dollars (\$115,720) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be

considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.086 Fire Safety
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services/ Department of Public Safety	\$161,568 annually

III. WORKSHEET

(Total Department of Public Safety Costs for all BCC fire inspections) X (% of Department of Public Safety workload from the fire inspections of Child Care Homes) = Annual Cost for implementing this rule

$$(\$367,200) \times (44\%) = \$161,568$$

IV. ASSUMPTIONS

1. Department of Public Safety/Inspection Unit total budget is \$540,000.
2. BCC fire inspections are 68% of the unit's total work load at a cost of \$367,200.
3. Child Care Homes represent approximately 44% of the Fire Inspection Unit's total BCC fire inspections.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.086 Fire Safety Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
272 New Facilities 1893 Existing Facilities	Child Care Homes	\$115,721.00 annually

III. WORKSHEET

(Number of affected facilities) X (Average cost of modifications listed below) = Building modification aggregate

- Number of affected facilities(14) X Cost of ceiling modification(\$1000) = \$14,000.00.
- Affected Facilities(14) X Cost of Two Remote Exits(\$500) = \$7,000.00.
- Affected Facilities(27) X Cost of lighted exit signs(\$20) = \$540.00.
- Affected Facilities(27) X Cost of emergency lighting(\$40) = \$1,080.00.
- Affected Facilities(109) X Cost of Carbon Monoxide Detectors(\$100) = \$10,900.00.
- Affected Facilities(272) X Cost of fire extinguishers(\$25) = \$6,800.00.

Total = \$40,000.00

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Monitoring aggregate
(1893) X (4) X (\$10.00) = \$75,720.00 Monitoring aggregate cost.

Modification aggregate + Monitoring aggregate = Total aggregate cost
Total = \$115,720.00

IV. ASSUMPTIONS

1. This proposed rule will not affect the 1893 currently licensed Child Care Homes per provisions allowed in the "Grandfather Clause".
2. BCC estimates 272 new Child Care Homes will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for Child Care Homes over the past twelve (12) months.
3. The building modifications for compliance with fire safety rules include these estimated expenses:
 - \$1,000.00 for minimum ceiling heights (7'6") in five (5) percent of the 272 new Child Care Homes (14 facilities).
 - \$500.00 for two remote exits from all child care space in five (5) percent of the 272 new Child Care Homes (14 facilities).

- \$20.00 for lighted exit signs with battery backup in ten (10) percent of the 272 (27 facilities) new Child Care Homes (nighttime care).
 - \$40.00 for emergency lighting in ten (10) percent of the 272 (27 facilities) new Child Care Homes (nighttime care).
 - \$100.00 for installation and maintenance of carbon monoxide detectors in forty (40) percent of the 272 (109 facilities) new Child Care Homes.
 - \$25.00 for fire extinguishers in the 272 new Child Care Homes.
4. Home provider's annual salary is estimated at \$20,600 per year (\$10.00 per hour).
 5. BCC estimates the home provider in the 1,893 licensed Child Care Homes will spend four (4) hours each year to write/ post evacuation plans throughout the building, conduct/record monthly fire drills and participate in the process for annual fire safety inspection of the facility.
 6. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Senior Services and Regulation Chapter 61—Licensing Rules for Child Care Homes

PROPOSED RULE

19 CSR 30-61.090 Sanitation Requirements

PURPOSE: This rule establishes the sanitation requirements for child care homes.

NOTE: Current rules with a “grandfather clause” will be identified by the symbol (GF) after the affected rule.

(1) The following definitions shall be used in interpreting this rule:

(A) “Approved sanitizer” is a sanitizing product approved for use on food contact surfaces or a product that is labeled with instructions from the manufacturer for use on food contact surfaces.

(B) “Approved food service source” is a food service establishment inspected and approved by a federal, state or local health agency.

(C) “Catered food” is food prepared by an approved source not located at the child care facility and that is transported to the child care facility.

(D) “CCA treated lumber” is lumber treated with a pressurized solution containing copper chromates and arsenic.

(E) “Child contact item” is any item a child might touch or with which a child might come into physical contact.

(F) “Cross-contamination” is the transfer of infectious microorganisms or chemicals from one source to another.

(G) “Commercial dishwasher” is an automatic mechanical dishwasher that meets the equipment requirements described in the Missouri Food Code 19 CSR 20-1.025.

(H) “Community water system” is a public water system that has at least fifteen (15) service connections or regularly serves at least twenty-five (25) residents on a year round basis.

(I) “DNR” is the Missouri Department of Natural Resources.

(J) “Domestic well” is a private water supply well that is constructed to meet minimum standards and is equipped with a pump that does not have the capacity to produce more than seventy (70) gallons of water per minute and services three (3) or less service connections. A multifamily well for the purposes of this rule shall be considered a domestic water supply.

(K) “Family style food service” is an interactive method of food service in which adults and children sit together and the children serve their own food with adult supervision.

(L) “Food contact surface” is any equipment, surface or utensil that may come into contact with food during storage, preparation, distribution and serving of food. This includes, but is not limited to, dry storage shelves, refrigerator shelves, cutting boards, tables, utensils, food storage containers and high chairs.

(M) “Food grade containers” are containers that are composed of durable, corrosion-resistant nonabsorbent materials that will not affect the characteristics of food. They must be sufficient in weight and thickness to withstand repeated washing. They must have a smooth, easily cleanable surface and be resistant to pitting, chipping, cracking, scratching, scoring, distortion and decomposition and must not allow the migration of deleterious substances or impart colors, odors or tastes to food.

(N) “Food preparation” is the act of handling or processing food for consumption. Food preparation includes, but is not limited to, adding water to formula or concentrated food, adding milk to cereal, cooking or warming food, heating food in a microwave, slicing fruits and vegetables, preparing sandwiches and transferring food from packages or containers to plates.

(O) “Food preparation sink” is a sink used exclusively for preparing foods, such as rinsing fruits and vegetables or obtaining water for mixing cereals, formula or for drinking.

(P) “Food-related items” are items such as paper towels and napkins, single service items, and any food preparation or food service utensils, and any other item or surface that may come in contact with food.

(Q) “Friable” refers to materials that are easy to crumble or pulverize.

(R) “Hand washing sink” is a basin equipped with mixing faucets or a combination faucet that dispenses hot and cold running water that is under pressure and can be tempered. The hand washing sink is not used for food preparation.

(S) “Hazard” is a biological, chemical or physical source of endangerment, injury or harm.

(T) “High hazard cross connection” is any connection to a potable water supply that will allow entry of a dangerous substance.

(U) “Multifamily well” is a private water supply well constructed for the purpose of serving more than three (3) dwellings but having less than fifteen (15) service connections and serving less than twenty-five (25) individuals daily at least sixty (60) days out of the year.

(V) “Nontransient noncommunity water system” is a public water system that is not a community water system which has at least fifteen (15) service connections or regularly serves at least twenty-five (25) of the same individuals over six (6) months per year.

(W) “On-site sewage system” is a sewage handling and treatment system receiving domestic sewage that discharges into a subsurface soil absorption system and discharges less than three thousand (3,000) gallons per day or is a wastewater stabilization pond regulated by the Department of Natural Resources.

(X) “Pesticides” are any chemicals that are used to kill insects, weeds and vermin.

(Y) “Pooled eggs” are two (2) or more raw eggs combined for consumption such as scrambled eggs.

(Z) “PPM” is parts per million and relates to the ratio of a sanitizing agent to the water with which it is mixed.

(AA) “Potable water” is water that is tested by a laboratory and determined safe for consumption.

(BB) “Potentially hazardous foods” are perishable foods that consist in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients including synthetic ingredients, in a form capable of supporting rapid and progressive growth of disease causing organisms.

(CC) “Psittacosis” is a pneumonia-like upper respiratory disease found in birds of the parrot family that is transmittable to humans. It is sometimes fatal in immuno-compromised persons such as young children.

(DD) “Public water supply” is a piped water supply having fifteen (15) or more service connections or serving twenty-five (25) or more people at least sixty (60) days out of the year. It may either be a community water system, transient noncommunity water system or a nontransient noncommunity public water system.

(EE) “Sanitary hand drying method” is the use of disposable paper towels, forced air blowers or single use cloth towels to dry hands after hand washing.

(FF) “Sanitizing” is effectively treating cleaned (washed and rinsed) surfaces of equipment and utensils by a Bureau of Child Care (BCC) approved process that reduces the population of disease causing organisms to a safe level.

(GG) “Single service food items” are any items intended only for one (1) time use then discarded, such as plastic cutlery, paper plates, aluminum pie plates or Styrofoam items.

(HH) “Utensils” are any tableware or kitchenware used in the storage, preparation, serving or conveying of food.

(2) General Requirements.

(A) The premises shall be clean, orderly and free of unsanitary conditions.

(B) Walls, ceilings, and floors shall be in good condition and free from splinters, cracks, chipping paint, bare concrete, and dampness. They shall be finished with material that can be cleaned easily.

(C) Equipment shall be easily cleanable and in good condition.

(D) Tape shall not be used to repair food contact surfaces, diapering surfaces, toilet seats or potty chairs.

(E) The following shall occur before any child or group of children begins an activity at a water play table or water basin:

1. The water play table/basin shall be washed, rinsed, and sanitized with a solution of one hundred (100) ppm of chlorine bleach to water (one (1) teaspoon of bleach to one (1) gallon of water);

2. Toys shall be washed before being placed in the water play table/basin;

3. Children shall wash their hands before and after the water play activity;

4. The water play table/basin shall be emptied when water play is over; and

5. Toys shall be washed and the water play table/basin shall be washed, rinsed, and sanitized before the next group uses the water play table/basin or before the next water play activity takes place.

(F) Personal care items and purses shall be stored in areas not accessible to children and away from food/child contact surfaces.

(G) Children's personal items shall be stored individually to prevent cross-contamination and shall be individually labeled with each child's name.

(H) Children's bedding shall be stored so it does not contact other children's bedding.

(I) The facility shall be well-ventilated, free of molds and noxious odors.

(J) Windows and doors used for ventilation shall have screens in good repair.

(3) Environmental Hazards.

(A) The premises shall be free of environmental hazards.

(B) The premises and equipment shall be free of friable asbestos.

(C) Radon levels shall not be more than four (4) picocuries per liter.

(D) The premises and equipment shall be free of lead hazards. Only lead-free paint shall be used.

(E) Indoor toxic or dangerous plants shall not be accessible to children.

(F) Outdoor toxic and dangerous plants shall not be accessible to children. If these plants are not removed or made inaccessible, children shall be supervised at all times.

(G) Pesticides shall not be applied during child care hours.

(H) Pesticides shall be used and stored in full compliance with the manufacturer's labeling.

(I) All equipment and toys shall be washed and rinsed after the premises is treated with pesticides.

(J) Aerosol sprays shall not be used to mask odors.

(K) If CCA treated material is accessible to children in care, the material shall be treated with an oil-based waterproof sealant annually.

(L) The licensee shall contact the bureau before beginning any remodeling or new construction.

(M) Air filters and vents for heaters and air conditioners shall be clean or changed as needed.

(4) Pest Control.

(A) There shall be no evidence of insects, spiders, rodents or pest harborage.

(B) All openings to the outside shall be sealed to prevent insects and rodents from entering.

(C) Piles of refuse, building materials and other materials shall be stored, maintained and vegetation cut to prevent rodent and insect harborage.

(D) Mosquito breeding areas, such as containers or puddles of standing water, shall be eliminated.

(5) Storage of Medicine and Other Dangerous or Toxic Items.

(A) Medicine, toxic agents and cleaning agents shall be stored to prevent access by children and to prevent cross-contamination of food, food-related items and child contact items.

(B) Medicine, cleaning agents and toxic agents, shall be stored separately from each other.

(C) Refrigerated medicine shall be in nonporous containers with lids or sealed bags and stored in a manner that prevents contamination of food.

(D) Medicine may be stored in kitchen cabinets over food and food contact surfaces if in a spill-proof nonporous container with a lid or in sealed bags.

(E) Toxic agents shall be stored and used in full compliance with the manufacturer's labeling.

(F) Toxic agents and cleaning agents not stored in their original containers shall be labeled indicating the contents.

(G) Child contact items shall be stored to prevent cross-contamination by pesticides, personal care items and wastewater drain lines.

(H) Syringes, needles, epi-pens and other "sharps" shall be placed in a disposable container approved by the Environmental Protection Agency (EPA) for this purpose.

(6) Animals and Pets.

(A) Any pet or animal present at the child care home, indoors or outdoors, shall be in good health and show no evidence of carrying any disease communicable to humans.

(B) Any cat or dog on the premises shall be vaccinated for rabies, and proof of current compliance shall be on file at the child care home.

(C) Ferrets, turtles, iguanas, lizards or other reptiles, or any wild or dangerous animals shall not be kept on the premises.

(D) Birds shall be caged at all times during child care hours.

(E) Birdcages shall be cleaned daily after child care hours.

(F) Birds of the parrot family (psittacine birds) shall not be on the premises unless the following conditions are met:

1. The birds are tested for psittacosis and determined free of disease;

2. Birds that test positive shall be excluded until the test is negative;

3. If a bird is exposed to other birds after initial testing an annual test is required;

4. Birds of the parrot family new to the child care home shall be tested before entering the facility; and

5. Documentation of the test results shall be kept at the facility.

(G) Areas used by children shall be free of animal excrement.

(H) All animals shall be excluded from areas where food is being prepared or served.

(I) Food dishes, water dishes, and litter boxes used by animals shall not be located in any area used by or accessible to children or in any area where food is prepared, stored, or served.

(J) Pets' litter boxes shall be changed daily after child care hours.

(K) Animal living quarters, pens, cages and the surrounding area shall be easily cleanable and shall be kept clean and odor free.

(L) Pets' cages and tanks shall not be cleaned on the playground or in sinks used for hand washing, food preparation, or utensil and food equipment washing, rinsing, and sanitizing.

(7) Swimming and Wading Pools.

(A) Swimming and wading pools used by children shall have a water filtration system. The water in swimming and wading pools shall be treated, cleaned and maintained in accordance with health practices and rules as determined by the local and/or state health authority.

(B) Children shall use only swimming and wading pools that have been tested to determine that the water quality is safe.

(C) The facility shall test swimming and wading pools used by the children on the premises as follows:

1. The bacterial level in the water shall be determined safe before initial use;

2. Free chlorine levels shall be maintained between one (1.0) ppm and three (3.0) ppm;

3. The pH level shall be maintained between 7.2 and 7.8; and

4. Free chlorine and pH tests shall be made and recorded daily.

(D) Non-toilet trained children shall wear adequate protective clothing to ensure that fecal contamination is prevented.

(E) Pool chemicals shall not be used when children are in the pool area. Pool chemicals shall be stored in a locked area and inaccessible to the children.

(8) Sewage Disposal.

(A) Sewage disposal systems or sewage treatment systems shall not present a hazard to the health of the children in care.

(B) Child care facilities using sewage systems regulated by (DNR) shall comply with all applicable laws and rules of that agency.

(C) Child care facilities using on-site sewage systems not regulated by DNR shall meet all applicable local codes.

(D) When local codes are not in effect, on-site sewage disposal systems shall be regulated by the department and shall meet all provisions of sections 701.025 to 701.059, RSMo. (GF)

(E) On-site systems regulated by the department shall not have surfacing or discharging effluent, contamination of surface or ground water, production of odors or the creation of a habitat for insect breeding.

(F) Malfunctioning on-site sewage systems regulated by the department shall be renovated according to 19 CSR 20-3.060 "Minimum Construction Standards for On-Site Sewage Disposal Systems."

(9) Water Supply.

(A) All child care facilities shall be connected to a source of safe water supplied throughout the facility in amounts that meet the needs of the facility.

(B) Public water supply systems shall meet applicable Department of Natural Resources laws and rules.

(C) Domestic water wells shall be constructed and located according to the "Missouri Well Construction Rules" 10 CSR 23-3.010 to 10 CSR 23-3.110.

(D) The department shall annually test the water quality of all domestic, multifamily, nontransient noncommunity water supplies for bacteriological contamination.

(E) Domestic wells not meeting satisfactory bacteriological water test results following collection of two (2) consecutive samples shall provide a permanent disinfection process approved by the bureau.

(F) Facilities with domestic, nontransient noncommunity water supplies that care for children less than two (2) years of age shall have an annual nitrate test with a reading of less than ten (10) ppm.

(G) Facilities shall comply with boil water orders issued by the state and/or local water authority.

(H) Water systems shall be free of high hazard cross connections.

(I) All water supply systems shall meet local codes.

(J) Temporary use of bottled water due to an unsafe water supply shall be permitted only with approval of the bureau.

(10) Drinking Water.

(A) Drinking water supplies serving child care facilities shall provide bacteriologically safe drinking water.

(B) Drinking water shall be from an approved source, which shall include drinking fountains, food preparation sinks and commercially bottled water.

(C) There shall be a minimum distance of eighteen inches (18") between drinking fountains and hand washing sinks.

(D) Drinking fountains shall have an angled water jet and an orifice guard above the rim of the fountain. Water pressure shall assure that the water jet does not contact the orifice or splash on the floor but shall rise at least two inches (2") above the orifice guard.

(E) Pitchers used for drinking water shall be covered with a lid.

(F) Other portable water dispensing devices independent of the permanent water supply shall have paddle type spigots.

(G) All portable water dispensing devices shall be washed, rinsed and sanitized daily.

(11) Sinks.

(A) All sinks used for child care shall be equipped with mixing faucets or combination faucets with hot and cold running water under pressure.

(B) Sinks used for child care shall not have separate hot and cold running water faucets.

(C) Hot water temperature at sinks accessible to children shall be within a range of one hundred degrees Fahrenheit to one hundred twenty degrees Fahrenheit (100°F–120°F). The caregiver shall check temperatures monthly using a bayonet metal stemmed thermometer and make adjustments if necessary.

(D) Sinks used for child care that are equipped with automatic shut-off valves shall have a minimum of fifteen (15) second hold time.

(E) Food preparation sinks shall not be used for hand washing.

(F) Hand washing sinks shall not be used for food preparation.

(G) All hand washing sinks shall have soap and paper towels accessible to the user.

(H) An empty sink shall be available to wash hands during food preparation.

(12) Hand Washing.

(A) Caregivers shall use the correct method for hand washing that includes:

1. Washing for a duration of at least twenty (20) seconds;
2. Using soap and warm running water; and
3. Sanitary hand drying.

(B) Multiple use or shared hand drying towels shall not be used.

(C) If bar soap is used, it shall be stored in a self-draining container.

(D) Paper towels or other single use towels shall be stored so they are not contaminated by splash.

(E) Caregivers and volunteers shall wash their hands as needed including:

1. Before beginning the child care day;
2. Before and after:

- A. Eating;
- B. Handling food;
- C. Feeding a child;
- D. Performing first aid; and
- E. Dispensing medication; and

3. After:

- A. Using the toilet;
- B. Assisting a child with toileting;
- C. Changing diapers;
- D. Coughing, sneezing, or wiping a nose;
- E. Handling soiled laundry; and
- F. Handling pets and other animals and animal contact items.

(F) Caregivers shall assure that children wash their hands as needed, including:

1. Before and after eating and/or participating in food activities; and

2. After:

- A. Diapering;
- B. Using the toilet;
- C. Coughing, sneezing, wiping and blowing nose;
- D. Handling pets and other animals and animal contact items;
- E. Playing in a water play table; or
- F. Coming indoors from outdoor play.

(G) Caregivers shall teach children the correct method for hand washing that includes:

1. Washing for a duration of at least twenty (20) seconds;
2. Using soap and warm running water; and

3. Sanitary hand drying.

(H) Sanitizing hand gels and commercially prepared wipes shall not be used as a substitute for hand washing when soap and warm running water are available.

(13) Toothbrushing.

(A) If toothbrushing occurs at the facility, the following procedures shall be followed:

1. Toothbrushes shall be in good condition and shall be individually labeled with the child's name;
2. Toothbrush holders and racks shall be washed, rinsed and sanitized when visibly soiled or as needed;
3. Toothpaste shall be dispensed in a manner that prevents contamination from toothbrush to toothbrush;
4. Toothbrushes, cups and toothpaste shall be stored out of the reach of children;
5. Toothbrushes shall be air dried and stored to prevent contamination. Toothbrush covers that allow the toothbrush to air dry may be used; and
6. Any cups used with toothbrushing shall be single service or individually assigned. Any individual cups shall be washed, rinsed, and sanitized after each use.

(14) Food Protection.

(A) Persons preparing or serving food shall be free of infected cuts on the hands and free of diarrheal illnesses.

(B) All food shall be from an approved food service source and shall be in sound condition. Food shall not be served from excessively dented or swollen cans.

(C) Home canned foods shall not be used. Properly protected fresh or frozen fruits and vegetables from private uninspected sources may be used.

(D) Unpasteurized milk and unpasteurized fruit juices shall not be used.

(E) All potentially hazardous foods shall be stored at temperatures of forty-one degrees Fahrenheit (41°F) and below or one hundred forty degrees Fahrenheit (140°F) and above, except during necessary periods of food preparation.

(F) Serving and storage of milk, breast milk and formula shall comply with the following:

1. Prepared bottles shall be refrigerated immediately upon arrival at the facility;
 2. A bottle that has been fed over a period that exceeds an hour from the beginning of the feeding or has been unrefrigerated an hour or more shall not be served to an infant;
 3. Prepared bottles that have not been used shall be discarded or returned to the parent at the end of each day;
 4. Opened containers of ready-to-feed or concentrated liquid formula shall be dated when opened, covered, refrigerated, and any unused portion discarded or returned to the parent after forty-eight (48) hours;
 5. Powdered formula shall not be used beyond the product shelf date; and
 6. Unfrozen breast milk that has not been used shall be returned to the parent at the end of each day.
- (G) The refrigerator temperature shall be forty-one degrees Fahrenheit (41°F) or below.

(H) A thermometer shall be located within the refrigerator to measure the air temperature in the forward most section of the unit. It shall be positioned so that it is immediately readable when the refrigerator is opened. The thermometer shall be numerically scaled and accurate within plus or minus three degrees Fahrenheit ($\pm 3^\circ\text{F}$).

(I) Food stored in the freezer shall be frozen solid.

(J) Food shall be thawed by one (1) of the following methods:

1. Under refrigeration at forty-one degrees Fahrenheit (41°F) or below or;
2. Under seventy degrees Fahrenheit (70°F) or below continuously running water; or

3. In a microwave if it is part of the continuous cooking process.

(K) Potentially hazardous foods shall be cooked to the following internal temperatures:

1. Ground beef—one hundred fifty-five degrees Fahrenheit (155°F);
2. Poultry and pooled eggs—one hundred forty-five degrees Fahrenheit (145°F);
3. Pork—one hundred forty-five degrees Fahrenheit (145°F);
4. All other foods—at least to one hundred forty-five degrees Fahrenheit (145°F) or as specified by the Missouri Food Code.
5. Precooked food shall be reheated to one hundred sixty-five degrees Fahrenheit (165°F);
6. All hot foods shall be held at one hundred forty degrees Fahrenheit (140°F) or above.

(L) The facility shall have a metal stemmed bayonet type thermometer that is numerically scaled in two (2°) degree increments to check the internal temperature of potentially hazardous foods. The thermometer shall be accurate within plus or minus two degrees Fahrenheit ($\pm 2^\circ\text{F}$) with a range of zero degrees Fahrenheit to two hundred twenty degrees Fahrenheit (0°F–220°F). Electronic digital type bayonet thermometers may also be used for this purpose.

(M) Food temperatures shall be checked during preparation and while maintaining temperature prior to serving.

(N) Meat and candy thermometers shall not be used to check food temperatures.

(O) Food, food-related items and utensils shall be stored to prevent contamination by pests, pesticides, toxic agents, cleaning agents, water drain lines, medicines, dust and splash including during times of preparation and display.

(Q) Food shall be stored in containers that protect it from contamination.

(R) Food and food-related items shall be stored off the floor.

(S) Cooked food or food needing no further preparation shall not be stored under raw foods such as meats.

(T) Utensils shall be stored so that handles are presented to the user.

(U) Food, toxic agents and cleaning agents not stored in their original containers shall be labeled indicating the contents.

(V) Food shall be stored only in food grade containers.

(W) Single use items such as aluminum foil pans, zip lock bags and bread wrappers may not be re-used to store other foods.

(X) Plastic bags manufactured as refuse bags shall not be used to store food.

(Y) Only food containers in good repair may be used.

(Z) Food shall not be prepared and food-related items and utensils shall not be stored in diapering areas or bathrooms.

(AA) Containers for soiled diapers shall not be stored in the food preparation area.

(BB) Soiled laundry shall not be stored in the food preparation or food storage areas.

(CC) Soiled laundry shall be stored in nonabsorbent containers or washable laundry bag until removed for laundering.

(DD) Soiled laundry shall not be stored in the kitchen.

(EE) Only unopened packaged foods and unopened packaged single service articles may be stored in a laundry room.

(FF) Clothes dryer vents shall not be vented into the child care space.

(GG) Eating, smoking or drinking shall not be permitted during food preparation.

(HH) Food served family style or food placed for self-service to children and not eaten, shall not be re-served to the children in care.

(15) Cleaning and Sanitizing.

(A) All food utensils shall be washed, rinsed and air dried.

(B) The three (3)-step method of sanitizing (wash-rinse-sanitize) shall be used when sanitizing is required.

(C) Food contact surfaces shall be washed, rinsed and sanitized with approved sanitizers after each use.

(D) If bleach is used as the approved sanitizer, it shall be liquid, unscented household bleach and it shall be used in the following concentrations:

1. Immersion for ten (10) seconds in a fifty (50) to one hundred (100) parts per million (approximately one-half (1/2) teaspoon) per gallon solution of water;

2. Clean-in-place—one hundred (100) to two hundred (200) parts per million (approximately one (1) teaspoon) per gallon of water with a contact time of at least ten (10) seconds.

(E) All other approved sanitizers used shall have instructions on the product label specifically for use on food contact surfaces or the caregiver shall obtain written sanitizing instructions regarding food contact surfaces from the manufacturer. All manufacturer instructions regarding concentrations and sanitizing procedures shall be followed.

(F) Quaternary ammonias may be used as an approved sanitizer if they are free of dyes and fragrances and labeled for use on food contact surfaces.

(G) Test strips shall be available and used to check the proper concentration of all sanitizing agents.

(H) After washing and rinsing all utensils, plates, cups, and toys shall be air dried on nonabsorbent materials before being stored.

(I) The following items shall be washed, rinsed and sanitized after each use with an approved sanitizer in appropriate concentrations:

1. Food contact surfaces (counter tops, tables, etc.);
2. High chair trays and seats;
3. Potty chairs and adaptor seats; and
4. Diapering surfaces.

(J) All napping equipment surfaces and coverings shall be sanitized weekly, when soiled or wet, or prior to assignment to another child.

(K) Carpets and floors shall be spot washed, rinsed and sanitized with approved sanitizers in appropriate concentrations when contacted by body fluids.

(16) Food Equipment.

(A) If meals are repared, kitchens shall have adequate equipment to store and prepare food safely with a minimum of a stove or other cooking equipment sized to meet the needs of the facility; a two (2) compartment sink with hot and cold running water; and a refrigerator.

(B) Single service items such as plastic utensils and Styrofoam or paper cups or plates shall not be used more than one (1) time.

(C) All food equipment shall be in good repair.

(D) Cracked, pitted or scratched utensils shall not be used.

(E) Food preparation and storage areas shall be equipped with adequate lighting.

(F) Crock pots (slow cooking devices) shall not be used for cooking potentially hazardous foods. They may be used to maintain hot temperatures of potentially hazardous foods.

(17) Catered Food Requirements.

(A) All catered foods shall be from an inspected and approved source.

(B) Equipment shall be used to maintain safe food temperatures and prevent contamination of food during transportation and holding.

(C) The licensee shall ensure that food arrives at a safe temperature and is maintained at a safe temperature until it is served.

(D) Caregivers shall check temperatures with a metal stem bayonet thermometer as described in 19 CSR 30-62.100(14)(M).

(E) Facilities using catered food exclusively shall be equipped with a hand washing sink located in the kitchen/food preparation area that is accessible at all times for use during snack and meal time.

(F) A facility that does not use single service utensils exclusively shall have a minimum of an automatic dishwasher or a two (2)-compartment sink for dish washing.

(18) Bathroom Requirements.

(A) Bathrooms shall be enclosed with full floor-to-ceiling walls and solid doors.

(B) Fixtures and any paper or soap dispensing equipment shall be accessible to the children, in working order and in good repair.

(C) Paper towels shall be stored and dispensed in a manner that minimizes contamination.

(D) A hand washing sink shall be located in the bathroom or within eight feet (8') outside the door of the bathroom.

(E) Kitchen sinks shall not be used to wash hands after toileting.

(F) Sinks that are used for hand washing after toileting shall not be used for rinsing bottles, pacifiers, toys, or other items that children may mouth.

(G) Bathrooms shall be cleaned as needed or at least daily.

(H) Bathrooms shall have sufficient lighting to allow proper cleaning.

(I) Bathrooms shall have mechanical ventilation. (GF)

(J) Potty chairs shall be located and used in the bathroom.

(19) Diapering Area Requirements.

(A) Diapering surfaces shall be nonabsorbent, smooth (nontextured), easily cleanable and in good repair, free of cracks, tears and holes.

(B) A hand washing sink with warm running water shall be located within eight feet (8') of the diapering surface.

(C) Soap and paper towels shall be immediately accessible to the hand washing sink at all times.

(D) Diapering supplies shall be located in the diapering area and inaccessible to children.

(E) A container with a tight fitting lid shall be used to hold wet or soiled disposable diapers. Soiled disposable diapers shall be discarded daily.

(F) If cloth diapers are used, they shall be stored in airtight plastic bags and removed from the building daily.

(G) Food preparation shall not occur in the diapering area.

(H) Food-related items or utensils shall not be stored in the diapering area.

(20) Refuse Disposal.

(A) The facility shall have an adequate number of refuse containers that are clean, nonabsorbent and in sound condition.

(B) Outside refuse areas shall be clean, with containers covered at all times.

(C) Inside refuse containers with food or body fluids shall be covered when not in use.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions three hundred sixty-five thousand nine hundred sixty-three dollars (\$365,963) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred fifty-seven thousand fifty dollars (\$157,050) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.090 Sanitation Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$365,963 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (44\%) \times (16\%) = \$365,963$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.
- CCFS III (12) 480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 16% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.090 Sanitation Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
272 New Facilities 1893 Existing Facilities	Child Care Homes	\$157,050.00 annually

III. WORKSHEET

(Number of affected facilities) X (Average cost of modifications listed below) = Building modification aggregate

- Number of affected facilities(27) X Cost of asbestos inspection(\$300) = \$8,100.00.
- Affected facilities(27) X Cost of Radon Correction Ventilation(\$1000) = \$27000.00.
- Affected facilities(27) X Cost of lead abatement (\$500) = \$13,500.00.
- Affected facilities(27) X Cost of adding mixing faucets (\$100) = \$2,700.00.
- Affected facilities(136) X Cost of mechanical ventilation (\$300) = \$40,800.00.
- Affected Facilities(272) X Cost of Metal stem thermometers(\$30) = \$8,160.00

Total = \$100,260.00

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Monitoring aggregate.
(1893) X (3) X (\$10.00) = \$56,790.00 Monitoring aggregate cost.

Modification aggregate + Monitoring aggregate = Total aggregate cost
\$100,260.00 + \$56,790.00 = \$157,050.00

IV. ASSUMPTIONS

1. This majority of this proposed rule will not affect the 1893 currently licensed Child Care Homes per provisions allowed in the "Grandfather Clause".
2. BCC estimates 272 Child Care Homes will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
3. Based on statistical data from inspections in the 1893 currently licensed Child Care Homes, BCC estimates the following building modification expenses for new facilities to comply with sanitation rules:

- Average of \$500.00 lead abatement costs in ten (10) percent of the 272 new Child Care Homes.
 - \$100.00 for adding mixing faucets in ten (10) percent of the 272 new Child Care Homes.
 - \$300.00 to install mechanical ventilation in bathrooms in twenty (20) percent of the 272 new Child Care Homes (54 facilities).
4. Home provider's annual salary is estimated at \$20,600 per year (\$10.00 per hour).
 5. BCC estimates the home provider in the 1893 currently licensed Child Care Homes will spend three (3) hours annually to participate in sanitation inspections and arrange/oversee required corrections.
 6. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes

PROPOSED RESCISSION

19 CSR 30-61.095 Furniture, Equipment and Materials. This rule set forth the requirements for the furniture, equipment and materials needed in a family day care home.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.080, 13 CSR 40-61.095 and 19 CSR 40-61.095. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.095, effective Dec. 9, 1993. Changed to 19 CSR 30-61.095 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes

PROPOSED RULE

19 CSR 30-61.100 The Home Provider, Licensee, Household Members and Other Staff

PURPOSE: This rule sets forth the requirements for the home provider, licensee, household members, and other staff, number and age limitations of children in care, and staff training.

(1) General Requirements.

(A) When child care is provided in a residence, relationships among household members and others remaining in the home during child care hours shall provide a positive environment for children.

(B) When child care is provided in a residence, the licensee shall notify the department within ten (10) days of any new household member(s).

(C) If an adult or a household member requiring extensive care due to illness or handicapping condition is present in the child care home during the hours of child care, another adult shall be present on a full-time basis in the child care home to care for that individual.

(D) The child care home shall have a qualified child care home provider.

(E) If the licensee is not the home provider, the licensee shall notify the bureau within five (5) workdays when there is a change of home provider.

(F) The home provider shall be eighteen (18) years of age or older.

(G) The home provider shall be responsible for supervision of staff and children and for planning, organizing, leading and monitoring the child care home's daily program.

(H) The home provider shall be routinely on duty on the premises a minimum of thirty-five (35) hours per week during the hours of highest attendance.

(I) A designated person shall be in charge of the facility when the licensee is absent.

(J) A second caregiver shall be available for use as needed to meet required caregiver/child ratios or for use in an emergency.

(K) When each staff member begins work, the following information shall be on file at the child care home: the individual's name, birthdate, address, and telephone number.

(L) Parents shall be notified of any absence of the home provider and informed of the name of the caregiver on duty.

(M) Caregivers shall be eighteen (18) years of age or older, have knowledge of the needs of children and be sensitive to the capabilities, interest and problems of children in care.

(N) Caregivers shall be physically, cognitively, and emotionally able to carry out assigned responsibilities.

(O) Caregivers shall demonstrate knowledge, skills and abilities to meet the needs of each child in care.

(P) The licensee shall not take any adverse action against an employee for reporting a licensing deficiency.

(Q) The licensee and all caregivers shall be of good character and intent and shall be qualified to provide care conducive to the welfare of the children. Good character is honesty, fairness, and respect for the law and rights of others.

(R) The licensee and all caregivers shall be capable of handling emergencies promptly and intelligently.

(S) Caregivers and other staff shall not disclose or discuss personal information regarding children or their relatives with any unauthorized person.

(T) Caregivers and other staff shall cooperate with the department.

(U) The licensee shall notify the local bureau office if the home provider will be absent from the child care home more than two (2) consecutive weeks.

(V) The licensee and all caregivers shall not be engaged in any other employment while on duty at the child care home.

(W) Written documentation of any staff disciplinary action related to the care of children shall be maintained in each staff's individual file.

(X) Major housekeeping, cleaning or maintenance such as, but not limited to window washing, carpet shampooing, painting, lawn mowing, floor stripping and buffing, etc. shall not be carried out by caregivers during child care hours. Caregivers may complete routine cleanup to maintain order and sanitation.

(Y) The home provider or other caregivers shall not be in a state of impaired ability due to use of medication while providing child care.

(Z) The home provider and others in the child care home shall not be under the influence of alcohol or illegal drugs while child care is being provided.

(2) Background Checks.

(A) The licensee shall obtain the results of background checks through the Family Care Safety Registry as defined in section 210.485, RSMo. These results shall be on file at the child care home for these individuals:

1. Licensee(s);

2. Board president or chairperson who comes into the child care home during child care hours;

3. Corporate or organizational staff who comes into the child care home during child care hours; and

4. The home provider, staff, and adult household members who have contact with the children.

(B) The licensee shall request a background check for the individuals designated above within fifteen (15) calendar days of their

employment, volunteering, or becoming a household member in the child care home. A copy of the request shall be on file at the child care home.

(C) Any individual who does not have a background check result on file at the child care home shall not be left alone with any child.

(D) The department may require a background check for any other adult who is present at the child care home during child care hours.

(E) Any individual who is required to have a background check who is not a resident of Missouri shall also obtain a background check from the state of residence.

(F) Any individual who is required to have a background check who has been a resident of Missouri for less than one (1) year shall also obtain a background check from the previous state(s) of residence.

(G) Results of all background checks shall be on file at the child care home prior to the issuance of an initial license. The results shall be dated not more than six (6) months prior to the date of initial licensure.

(H) After the initial background check, the licensee shall request an updated background check for each required individual at least every two (2) years from the last response.

(I) All background check results shall be maintained at the child care home in a confidential manner.

(J) The department shall evaluate any information from background checks and any other available information indicating that an individual might present a threat to the health, safety or welfare of children at the child care home. The department may require that the licensee obtain and submit additional information as needed. After review, the department may prohibit the person from being present in the facility during child care hours.

(3) Licensed Capacities and Caregiver/Child Ratios.

(A) Any non-resident child who comes into a licensed child care home for care, including any child related to the licensee, shall be counted in the licensed capacity.

(B) Any foster child who resides in a licensed child care home shall be counted in the total number of children in care.

(C) If there is one (1) caregiver, the licensed capacity is limited as follows:

1. Four (4) children under age two (2) if no other children are in care;
2. Six (6) children, that includes a maximum of three (3) children under age two (2); or
3. Seven to ten (7-10) children, that includes a maximum of two (2) children under age two (2).

(D) If there are two (2) caregivers, the licensed capacity is limited as follows:

1. Eight (8) children who may all be under age two (2); or
2. Ten (10) children, that includes a maximum of four (4) children under age two (2). The required caregiver/child ratios are outlined in the following chart:

Number of Caregivers	Maximum Number of Children Under Age Two	Maximum Number of Children in Care
1	4	4
1	3	5-6
1	2	7-10
2	5-8	8
2	4	10

(E) A child care home may be licensed at maximum capacity for a period of eighteen (18) consecutive hours of the twenty-four (24)-hour day. For the remaining six (6) hours of the twenty-four (24)-hour day, care may be provided for one-third (1/3) the licensed capacity of the home.

(4) Staff Health Requirements.

(A) The child care home provider and all caregivers shall be in good physical and mental health with no conditions which would interfere with child care responsibilities.

(B) Caregivers who are employed or volunteer more than twenty (20) hours per month in the child care home during child care hours shall have a medical examination report on file within thirty (30) days of beginning work in the home.

(C) The medical examination report shall be signed by a licensed physician, an advanced practice nurse, registered professional nurse, or registered nurse who is under the supervision of a licensed physician, and shall be on file at the child care home at the time of initial licensure or within thirty (30) days of beginning employment at the child care home.

(D) Medical examination reports shall be completed not more than twelve (12) months prior to beginning work in the child care home and may be transferable to another child care facility for subsequent employment.

(E) The bureau's medical examination report form shall be used, or the child care home may use its own form if it contains all the information on the bureau's form.

(F) At the time of initial licensure or within thirty (30) days of beginning work at the child care home, the home provider and all caregivers shall have a Mantoux tuberculin (TB) skin test, and/or appropriate follow-up of a previous examination that indicates the individual is free of contagion. A chest x-ray or a Tine test shall not be accepted as an alternative to a Mantoux skin test. The Mantoux tuberculin skin test and/or required follow-up shall be completed not more than twelve (12) months prior to the individual beginning work in a facility and may be transferable to another child care facility for subsequent employment.

(G) The home provider and any caregiver who has a positive or previously positive TB skin test at the time of beginning work at the child care home shall have the following on file at the facility:

1. A completed Missouri Department of Health and Senior Services Tuberculin Testing Record (TBC-4 form) signed by a local public health agency (LPHA); and
2. An Annual Statement for Tuberculin Reactors (a signs and symptoms review) completed annually by an LPHA nurse or a physician.

(H) The home provider and any caregiver(s) with negative TB skin test results at the time of beginning work at the child care home do not need annual Mantoux skin tests.

(I) The home provider and any caregiver(s) shall not work when ill if the health or well-being of children is endangered.

(J) If at any time the bureau has reason to question the physical or mental health of any adult working or volunteering at the child care home, the department shall require a physical or mental examination of these persons.

(5) Caregiver Orientation and Required Training.

(A) Each caregiver shall receive a facility orientation no later than one (1) week after being employed or volunteering and before having sole responsibility for children.

(B) A facility orientation shall include a tour of the building and premises and a review of:

1. The facility's license and its limitations;
2. Licensing Rules for Child Care Homes;
3. The facility's written child care practices as defined in 19 CSR 30-61.045(6)(C);
4. Infection control;
5. Injury prevention;

6. Procedures for responding to common childhood emergencies, including choking, and location of the list of staff trained in cardiopulmonary resuscitation (CPR) and first aid;

7. Emergency procedures in the event of severe weather or fire, including locations of exits and use of fire extinguishers and alarm systems;

8. The daily schedule;

9. Caregivers' assigned duties and responsibilities;

10. The names and ages of the children for whom the caregiver will be responsible and any individual special health, nutritional or developmental needs;

11. Location of children's records; and

12. Each caregiver's mandated responsibility to report any suspected child abuse/neglect to the Family Support Division at the toll-free number 1-800-392-3738.

(C) Within one (1) week of being employed or volunteering and before having sole responsibility for children, the licensee shall secure a signed statement from each individual acknowledging s/he has completed the required staff facility orientation. The statement will be maintained in each caregiver's file.

(6) Child Care Training.

(A) The home provider and caregiver(s) shall obtain at least twelve (12) clock hours of child care related training during each calendar year January 1 through December 31. This requirement shall not apply to individuals working less than twenty (20) hours per month.

(B) For the first partial year of licensure or employment, the requirement for training hours may be prorated to equal one (1) training hour for each full month of employment through December 31.

(C) Training shall be approved by the bureau and may include: health; safety; nutrition; guidance and discipline; child growth and development; child abuse/neglect; developmentally appropriate curriculum; cultural and individual diversity; positive communication and interaction with families; planning and setting up an appropriate environment for children; professional and administrative practices; and other child related areas.

(D) If the current year's training hours have been met, training hours taken in October, November, or December of the calendar year may carry over to the next year's quota.

(E) All training for the home provider and caregiver(s) shall be documented with the dates, the number of hours of training completed, the subject, and the name of the individual(s) who conducted the training. This information shall be on file at the child care home and available for review.

(F) Training credits may be transferred from one (1) child care facility to another, with required documentation on file.

(G) Each new home provider and all new caregivers shall complete eight (8) hours of Child Care Orientation Training (CCOT) developed by the bureau. The training shall be completed within twelve (12) months of initial licensure or within beginning to work with children and may count toward required annual training.

(H) Within one (1) year of beginning care for infants or toddlers, each new home provider and all new caregivers shall obtain Child Care Orientation Training Plus (CCOT+) training in the care of infant/toddlers. This training will count toward required annual training.

(I) If a child care home is licensed exclusively for the care of school-age children, each new home provider and all new caregivers shall obtain CCOT+ training in the care of school-age children. This training will count toward the twelve (12) hours of required annual training.

(J) Training subsequent to CCOT or CCOT+ shall be based on core competencies needed by caregivers to provide quality care and education. Core competencies include:

1. Child growth and development;
2. Learning environment and curriculum;
3. Child observation and assessment;
4. Families and communities;

5. Health, safety and nutrition;

6. Interactions with children;

7. Program planning and development; and

8. Professional development and leadership.

(K) Child care training shall be presented by a qualified trainer approved by the bureau.

(L) A yearly log of completed training, with the training certificates attached, shall be maintained for each caregiver.

(M) The home provider shall have prior to licensure, or after any change of home providers, current documentation of training in age-appropriate first aid, rescue-breathing and the Heimlich maneuver provided by the American Red Cross or by a health professional certified in first aid training. The documentation shall be on file at the child care home.

(N) Within six (6) months of beginning work in the child care home, all caregivers shall provide current documentation of training in age-appropriate first aid, rescue-breathing and the Heimlich maneuver provided by the American Red Cross or by a health professional certified in first aid training. The documentation shall be on file at the child care home.

(O) The first aid training shall include the emergency management of:

1. Bleeding;
2. Burns;
3. Poisoning;
4. Choking;
5. Injuries including insect, animal and human bites;
6. Shock;
7. Convulsions or nonconvulsive seizures;
8. Musculoskeletal injury, such as sprains, fractures;
9. Dental emergencies;
10. Head injuries;
11. Allergic reactions;
12. Eye injuries;
13. Loss of consciousness;
14. Electric shock; and
15. Drowning.

(P) The first aid and CPR training shall not count toward the annual required training.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions one hundred thirty-seven thousand two hundred thirty-six dollars (\$137,236) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred forty-six thousand one hundred ten dollars (\$146,110) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.100 The Home Provider, Licensee, Household Members and Other Staff
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$137,236 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (6\%) = \$137,236$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 6% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.100 The Home Provider, Licensee, Household Members and Other Staff
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
272 new providers 1893 licensed providers	Child Care Homes	\$146,110.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) – Orientation Aggregate
 (1893) X (2) X (\$10) = \$37,860.00

(Number of New Facility Staff) X (Cost of Screening) = Background Screening Aggregate
 (3,786) X (\$5) = \$18,930.00.

(Number of Affected Facilities) X (Cost of medicals) = Medical Exam Cost
 (272) X (\$50) = \$13,600.00

(Number of Affected Facility Staff) X (Annual Clock Hours Training Cost) = Annual Training Aggregate
 (1893) X (\$20) = \$37,860.00.

(Number of Affected Facility Staff) X (Annual Cost of First Aid/Rescue Breathing) = Annual First Aid/Rescue Breathing Aggregate
 (1893) X (\$20) = \$37,860.00

Total Aggregate Cost = \$146,110.00

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04. 272 new approved applications were completed in FY04.
2. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the home provider two (2) hours to develop, implement and provide staff orientation training, monitor and plan training requirement and oversight of other staff training requirements.
4. The cost of a background screening through the Child Care Family Register is five dollars (\$5.00). Each provider is responsible for maintaining one additional approved assistant. Each provider therefore will require two (2) FCSR screenings. This is a one-time expense and can be rechecked without additional cost to the provider.
5. The cost of a staff medical examination for new providers is estimated at approximately fifty dollars (\$50.00).
6. Child Care Orientation Training (CCOT) is required of all staff during their first year of employment, but is provided by the BCC at no expense to the provider.
7. First Aid and Rescue Breathing Certification will be required of all child care staff. It is estimated that the cost for acquiring this training will be twenty dollars (\$20.00) per caregiver.
8. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.105 The Day Care Provider and Other Day Care Personnel. This rule set forth the requirements for the day care provider and assistants, and number and age limitations of children in care and staff training.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-61.090, 13 CSR 40-61.105 and 19 CSR 40-61.105. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.110 Children's Enrollment

PURPOSE: This rule defines enrollment policies and procedures for children in care.

(1) A child shall not be denied admission to or the benefits of any program provided by a licensed facility on the basis of race, sex, religion, national origin, or disability.

(2) A copy of the facility's written policies pertaining to child care practices as defined in 19 CSR 30-61.045(6)(C) shall be provided to the parent(s), legal guardian or legal custodian at the time of enrollment.

(3) The home provider shall have available at the facility a copy of the Licensing Rules for Child Care Homes and shall inform parent(s), legal guardian, or legal custodian that it is available for them to review.

(4) The licensee shall develop and implement a procedure for enrolling children. This procedure shall be completed before the child begins attendance and shall include:

(A) A personal interview with the parent(s), legal guardian or legal custodian and child to exchange information and arrive at a mutual decision about enrolling a child;

(B) Discussion of the method for continuing communication between the child care home and the parent(s), legal guardian or legal custodian;

(C) Discussion of the plan for providing for the care of the ill child as required by 19 CSR 30-61.140(1), (2), (3) and (4);

(D) Discussion of the parental plan for providing for the care of the school-age child on scheduled days of school closings;

(E) Completion by the parent of an enrollment form(s) furnished by the licensee that shall include:

1. The child's full name, address, birthdate, the date care begins and the date care ends;

2. Full name, home address, employers' name and address, work schedule, and home and work telephone numbers of the parent(s), legal guardian or legal custodian;

3. Name, address and telephone number of an adult emergency contact who can be called and be available in an emergency when the parent(s), legal guardian or legal custodian cannot be reached;

4. Name and phone number of the physician and/or hospital to be used in an emergency;

5. Instructions for action to be taken if the parent(s), legal guardian or legal custodian, adult emergency contact, or physician cannot be reached in an emergency;

6. Name of the individual(s) authorized by the parent(s), legal guardian or legal custodian to take the child from the child care home;

7. Information and documentation regarding a child's personal development, physical or medical conditions, behavior patterns, habits and any special needs;

8. Permission for field trips, transportation to and from school and other transportation;

9. Permission for school-age children to participate in supervised activities away from the child care home unaccompanied by the provider or other child care staff if the child care home has prior written permission from the child's parent(s), legal guardian or legal custodian for the child's participation, including:

A. The date and description of the activity;

B. The time of leaving and returning;

C. The person responsible for supervision; and

D. The method of transportation to and from the activity;

(F) Acknowledgment by the parent(s), legal guardian or legal custodian that:

1. They have received a copy of the facility's written policies pertaining to child care practices.

2. They have been informed that the licensing rules for Child Care Homes in Missouri are available at the facility for review.

3. The parent(s), legal guardian or legal custodian, the provider and caregivers will communicate regarding the child's development, behavior and individual needs;

4. They agree to keep the provider updated on any change in information on the enrollment form;

5. They have been informed and agree that the child may not be accepted for or remain in care when ill as specified in 19 CSR 30-61.140(2) and (3); and

6. They understand that the provider or a caregiver will contact or notify them about any medical emergency, accident, injury, or at risk situation as required in 19 CSR 30-61.140(6);

(G) Documentation indicating that a child has completed age-appropriate immunizations, is in the process of completing immunizations or is exempt from immunization requirements as defined in 19 CSR 30-61.140(5);

(H) A medical examination report for each child completed not more than twelve (12) months prior to admission. This report shall be on file at the child care home within thirty (30) days following admission and shall be signed by a licensed physician, advanced practice nurse, physician's assistant, or registered nurse who is under the supervision of a licensed physician;

(I) The examination report shall determine if a child's medical history and current state of health are satisfactory for participation in a child care program;

(J) Medical examination requirements shall not apply to any child if the parent(s), legal guardian or legal custodian files a signed statement of objection based on religious beliefs;

(K) The child care home shall have on file an individualized plan for specialized care for any child who has a special need. Special need refers to those children with developmental disabilities, mental retardation, emotional disturbance, sensory or motor impairment, or significant chronic illness who require special health surveillance or specialized interventions, technologies, or services;

(L) The individualized plan shall be on file on the child's first day of care or within thirty (30) days of the provider's initial recognition of a child's possible special need;

(M) The individualized plan for specialized care must be from a professionally qualified source for the particular special need or needs, for example a physician, nurse, therapist, special teacher, etc;

(N) Caregivers responsible for the care of a child with special needs must have access to the individualized plan and instructions for any specialized care for the child and adhere to the plan for care;

(O) The licensee shall assess the ability of the facility to provide care for each child while assuring that care of any child shall not negatively impact the health, safety and responsible care of other children in attendance;

(P) The home provider shall make reasonable accommodations to meet the individual needs of children in care. The home provider may request a variance to modify the physical plant, equipment, materials and/or program in order to accommodate a child with special needs;

(Q) After attempts have been made and documented to meet a child's individual needs, any child who demonstrates an inability to benefit from the care offered by the child care home or whose presence has been documented to interfere with the care of other children, may be discharged from the child care home;

(R) The home provider shall be familiar with the Americans with Disabilities Act (ADA) and their responsibilities therein;

(S) Care of a child may be discontinued if the home provider and the parent(s), legal guardian or legal custodian cannot establish a mutually satisfactory working relationship;

(T) If a home provider enrolls children for irregular or intermittent care, all procedures for admitting children shall be followed. Children enrolled on an irregular or intermittent basis shall be accepted only by appointment and shall not cause the child care home to exceed its licensed capacity or caregiver/child ratios;

(U) During child care hours, parent(s), legal guardian, or legal custodian shall have access to their child and any space used by children.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred eighty-nine thousand three hundred dollars (\$189,300) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.110 Children's Enrollment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 30-61. 110 Children's Enrollment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,893	Child Care Homes	\$189,300.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1,893) X (10) X (\$10.00) = \$189,300.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes for FY04.
2. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the home provider ten (10) hours to complete and maintain enrollment procedures with parents and staff for each child enrolled.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.115 Day Care Family and Household. This rule contained the requirements for family members and others sharing the home with day care children.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.100, 13 CSR 40-61.115 and 19 CSR 40-61.115. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.120 Care and Supervision of Children

PURPOSE: This rule sets forth the requirements for the care of children, including supervision, child protection, guidance and discipline, daily activities, diapering, toilet training, emergency drills.

(1) Care of the Child.

(A) Supervision.

1. A caregiver shall admit each child upon arrival and shall dismiss each child upon departure. Children shall be dismissed only to the parent(s), legal guardian, or legal custodian or to individuals approved by the parent(s), legal guardian or legal custodian and listed on the child enrollment form.

2. The home provider shall assure that the parent(s), legal guardian or legal custodian of each child shall sign in and sign out their child(ren), recording arrival and departure times. The documentation shall also include the month, date, and year.

3. Whenever a child is transported by someone other than a parent(s), legal guardian or legal custodian, a facility caregiver shall be responsible for signing children in and out upon arrival and departure at the child care home.

4. With parents', legal guardians' or legal custodians' written instructions on file, the home provider may permit a school-age child to arrive at the child care home and to leave without an adult escort. A caregiver shall sign the child in and out.

5. The home provider shall obtain an estimated time of arrival from the parent whenever a child walks or is transported by someone other than parent(s), legal guardian or legal custodian or child care home staff. The home provider shall notify the child's parent(s), legal guardian or legal custodian if the child fails to arrive at the child care home within fifteen (15) minutes of the estimated arrival time.

6. Infants and toddlers shall have constant care and supervision.

7. Each preschool and school-age child shall be supervised and accounted for with frequent, direct contact by a caregiver(s) indoors and outdoors.

8. Caregivers shall conduct a "face-to-name" identification and count of children whenever there is a change of caregiver.

9. When child care is provided on two (2) or more levels of the child care home, a caregiver shall be present at all times on any floor occupied by infants, toddlers and preschool age children.

10. Children under three (3) years of age and any that require special assistance shall be directly observed and assisted while in the bathroom.

11. Caregivers shall check on the children frequently during napping or sleeping and shall remain in proximity to the children to be able to hear them if they have difficulty during napping or when they awaken.

12. If the children are napped with no caregiver in the room, the door to the room shall remain open.

13. Caregivers shall provide individual attention and be responsive to the various needs of each child such as thirst, hunger, diaper change, fear of or aggression by other children, or difficulty adjusting to a new child care setting.

(B) Child Protection.

1. No person who represents a threat to the health, safety or welfare of the children shall be present at the child care home during the hours in which child care is provided.

2. Children shall not be subjected to child abuse/neglect as defined by section 210.110, RSMo, while in the care and supervision of the child care home.

3. The home provider and all caregivers shall acquaint themselves with the child abuse and neglect law and shall make a report of any suspected child abuse or neglect to the Family Support Division at the toll free number 1-800-392-3738.

4. The home provider and all caregivers shall monitor children for signs or symptoms of child abuse/neglect.

5. Within one (1) working day, the home provider shall notify the bureau of the following:

A. The death of any child while in care or any child that is enrolled at the child care home who dies of a contagious disease;

B. Any injury to a child that requires hospitalization or emergency medical treatment when that injury occurs while the child is in care; or

C. Any incident in which a child(ren) was left without supervision at the child care home, left at a field trip or transportation site, left alone in a vehicle, or where a child leaves the child care home without caregiver's knowledge.

(C) Caregiver/Child Interactions.

1. The home provider and all caregivers shall promote children's healthy social and emotional development through:

A. Caregiver behavior and interactions which emphasize and foster a positive environment of respect and cooperation between adults, adults and children, and between children.

B. Talking with, playing with, holding, and providing children with a nurturing environment.

2. The home provider and all caregivers shall not engage in any interaction with children that is humiliating, demeaning, belittling, threatening or frightening to children.

(D) Guidance and Discipline.

1. The home provider and all caregivers shall use positive, age appropriate guidance to help develop the child's own ability to become self-disciplined.

2. The home provider shall establish simple, age-appropriate limits for children's behavior. The caregiver shall explain the limits to the children and review them at the time behavior is corrected.

3. Praise and encouragement of good behavior shall be used instead of focusing only upon unacceptable behavior.

4. Firm, positive statements or redirection of behavior shall be used.

5. Brief, supervised separation from the group may be used to enable the child to regain self-control after other methods such as redirection have been used. This separation shall be based on a guideline of no more than one (1) minute for each year of the child's age.

6. Physical punishment shall be prohibited even if parent(s), legal guardian or legal custodian have given permission. Physical punishment includes, but is not limited to:

A. Spanking, slapping of hands, slapping or swatting, punching, kicking, shaking, striking with the hand or an object, handling roughly, pulling hair, pinching, biting, washing mouth out with soap, taping mouth or placing items in the mouth (i.e., pepper or hot sauce, tissue paper, etc.) or other measures that produce physical pain or distress;

B. Restricting children's movement through binding, tying, taping or other harmful means of restraint. For the purpose of this rule this does not include safety belts for high chairs or vehicles;

C. Confining in a space such as a closet, closed or dark room, box or cubicle, or other place that would be frightening to a child.

7. Children shall not be subjected to derogatory remarks about themselves or their families, abusive or profane language, yelling or screaming, threats, frightening language or behavior, rejection, terrorizing, or ridiculing.

8. No discipline technique which is humiliating, threatening or frightening to children shall be used.

9. Punishment or threat of punishment shall not be associated with food, rest or toileting, including restricting a child to a high chair, playpen or cot.

10. Children shall not be permitted to intimidate or harm others, harm themselves or destroy property.

11. Caregivers shall assess the effectiveness of a discipline technique for an individual child. When current behavior management strategies do not seem to be effective, the home provider shall communicate with the parent(s), legal guardian or legal custodian to assess alternatives as permitted within the licensing rules.

12. Caregivers shall not permit one child to discipline another child.

(2) Daily Activities for Children.

(A) A schedule of daily activities shall be established in written form and shall be implemented. This schedule shall include activities for all ages of children in care. These activities shall be planned and provided so that all children in care experience a variety of activities to encourage their individual language development, creativity, and physical, cognitive and social development.

(B) Daily activities for infants and toddlers shall include:

1. Individual attention and play with adults, including smiling, holding, cuddling, talking, singing, and comforting children who are upset;

2. Regular snack and meal times according to each child's individual feeding schedule as stated by the parent(s), legal guardian or legal custodian;

3. Supervised nap times that meet the child's individual needs. Children under twelve (12) months of age shall be placed on their backs to sleep unless a written exception from the child's physician is on file;

4. After awakening, an infant/toddler may remain in their sleeping equipment as long as s/he is content, but no longer than thirty (30) minutes;

5. Free choices of play and opportunities to explore;

6. Opportunities for sensory stimulation which include:

A. Visual stimulation through pictures, books, toys, games, etc.;

B. Tactile stimulation through surfaces, fabrics, toys, games, etc.;

C. Auditory stimulation through music, conversation, etc.;

D. Encouragement in the development of motor skills by providing opportunities for reaching, grasping, pulling up, creeping, crawling and walking;

7. Each infant's position shall be changed at least every half (1/2) hour when an infant is awake. Examples of different positions include crawling on the floor, back time under "gym," on caregiver lap, etc.;

8. Promotion of communication skills and language interaction; and

9. Opportunity for outdoor play when weather permits.

(C) Daily activities for preschool and school-age children shall include:

1. Developmentally appropriate play experiences and activities planned to meet the interests, needs, abilities and desires of the children;

2. Individual attention and conversation with adults;

3. Indoor and outdoor play periods which provide a balance of quiet and active play, and individual and small group activities;

4. Free choice experiences;

5. A total of at least one (1) hour of outdoor play for children in attendance more than four (4) hours unless prevented by weather or special medical reasons:

A. Outdoor play time may be prorated to a minimum of thirty (30) minutes for children in attendance four (4) hours or less per day; and

B. Children shall not be exposed to extreme elements, based on wind chill factor or heat index;

6. Toileting and hand washing times;

7. Regular snack and meal times;

8. A supervised nap or rest period after the noon meal for children in care more than four (4) hours a day;

9. Preschool children who do not sleep shall rest on approved napping equipment at least thirty (30) minutes but shall not be forced to remain on napping equipment for a longer period. They shall then be permitted to engage in quiet play;

10. School-age children shall have a quiet time after the noon meal with approved napping equipment available for those who wish to nap or rest; and

11. A study time for school-age children who choose to do homework, with a separate, quiet workspace.

(D) Children shall be encouraged but not forced to participate in group activities.

(E) All video materials shall be previewed and approved by the home provider to assure their appropriateness for the age of the children.

(F) Video or audio materials that are sexually explicit, profane, violent, or frightening materials shall be prohibited.

(3) Diapering and Toilet Training

(A) A diapering area shall be provided and maintained as required in 19 CSR 30-61.090(19).

(B) Disposable tissues and wipes shall be used to cleanse the child at each time of diapering. Any diapering creams, powders or other products applied shall be provided by the parent(s), legal guardian or legal custodian and labeled with the child's name. Written parental authorization shall be on file at the child care home before diapering creams or other products are applied.

(C) Diaper bags and diapering products shall be kept inaccessible to children.

(D) The child shall not be left unattended at any time while on the diapering surface.

(E) Diapers and wet clothing shall be changed promptly.

(F) The home provider shall ensure that extra clothing is available in case children soil themselves.

(G) There shall be no routine attempt to toilet train children under the age of twenty-four (24) months.

(H) No effort shall be made to toilet train a child until the child shows signs of readiness and the parent(s), legal guardian or legal custodian and provider agree on when to begin.

(I) The routine for toilet training shall be discussed with the parent(s), legal guardian or legal custodian so the same method can be used at the child care home and the child's home.

(J) Children shall not be forced to remain on a toilet or potty chair.

(K) Children shall not be punished, berated, shamed or ridiculed in any way for soiling their clothes.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions one hundred fourteen thousand three hundred sixty-four dollars (\$114,364) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities ninety-four thousand six hundred fifty dollars (\$94,650) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.120 Care and Supervision of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$114,364 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (5\%) = \$114,364$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 5% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 30-61. 120 Care and Supervision of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,893	Child Care Homes	\$94,650.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1893) X (5) X (\$10.00) = \$94,650.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04.
2. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the home provider five (5) hours to provide specialized observation at it relates the supervision, care and discipline of children by other caregivers in their home. This does not include the home provider's role as a direct caregiver.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.125 Medical Examination Reports. This rule set forth the requirements for medical examinations for caregivers and children in care.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule was previously filed as 13 CSR 40-61.110, 13 CSR 40-61.125 and 19 CSR 40-61.125. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.130 Nutrition

PURPOSE: This rule provides the requirements for nutritious meals and snacks and methods of food service.

(1) Nutrition and Food Service for Infants Up to Twelve (12) Months of Age.

(A) The home provider shall serve nourishing foods appropriate for the infant's individual nutritional requirements and developmental stages as specified by his/her parent(s), legal guardian or legal custodian.

(B) Bottles and baby food shall be labeled with the child's name.

(C) If a bottle of formula, cow's milk or breast milk is given to the wrong child, the parent of each child shall be notified immediately.

(D) Infants shall be held by a caregiver until the child can hold a bottle comfortably.

(E) Bottles shall not be propped.

(F) When an infant/toddler shows evidence of wanting to feed him/herself, the child shall be encouraged and permitted to do so.

(G) Microwaves shall not be used for preparing bottles and infant food.

(H) Bottles are to be warmed in approved bottle warmers only.

(2) Nutrition and Food Service for Children Ages Twelve (12) Months and Older.

(A) The home provider shall supply and serve nourishing food according to the Meal and Snack Food Chart provided in this rule.

(B) The required meal schedule shall include breakfast or a mid-morning snack, lunch and a midafternoon snack for children in care during daytime hours, with a maximum time of four (4) hours between any meal or snack.

(C) Preschool children enrolled only for part day morning or afternoon care shall receive a snack.

(D) School-age children shall be served a snack after school.

(E) Children in care between the hours of 6:00 p.m. and 9:00 p.m. shall be served a snack. Upon parental request, children in care between the hours of 6:00 p.m. and 9:00 p.m. shall be served supper, and children who are in care overnight shall be served breakfast.

(F) Snacks of fruit or vegetable, fruit juice, milk, crackers, cheese, peanut butter or similar nutritious food shall be served.

(G) One (1) serving of fluid milk shall be served with each meal.

(H) The acceptable food components and serving sizes for meals and snacks are outlined in the following chart for each age group. Menus and amounts served shall be based on this chart.

Meal and Snack Food Chart

		Age	Age	Age
	Food Components	1 and 2	3-5	6-12
BREAKFAST Requirement— 1 serving from each of the 3 food components	Fluid Milk***	1/2 cup	3/4 cup	1 cup
	Juice** or Fruit or Vegetable	1/4 cup	1/2 cup	1/2 cup
	Bread or Bread Alternate*	1/2 slice*	1/2 slice*	1 slice*
SNACK Requirement—2 servings selected from 2 of the 4 food components	Fluid Milk***	1/2 cup	1/2 cup	1 cup
	Juice** or Fruit or Vegetable	1/2 cup	1/2 cup	3/4 cup
	Meat or Meat Alternate	1/2 ounce	1/2 ounce	1 ounce
LUNCH/SUPPER Requirement— 1 serving of milk component 1 serving from the meat/meat alternate component 2 servings from the fruit/vegetable component 1 serving of Bread from the bread component	Bread or Bread Alternate*	1/2 slice*	1/2 slice*	1 slice*
	Fluid Milk***	1/2 cup	3/4 cup	1 cup
	MEAT OR MEAT ALTERNATE			
	Meat, Poultry or Fish or Cheese or Egg or	1 ounce 1 ounce 1	1 1/2 ounces 1 1/2 ounces 1	2 ounces 2 ounces 1
	Cooked Dry Beans and Peas or Peanut Butter	1/4 cup 2 tablespoons	3/8 cup 3 tablespoons	1/2 cup 4 tablespoons
	FRUIT/VEGETABLE			
	1 Vegetable and 1 Fruit or 2 Different Vegetables or 2 Different Fruits	1/4 cup total	1/2 cup total	3/4 cup total
	Bread or Bread Alternate*	1/2 slice*	1/2 slice*	1 slice*

*Or an equivalent serving of an acceptable bread alternate such as cornbread, biscuits, rolls, muffins, cereal, rice, pasta, and the like.

**All fruit juices shall be one hundred percent (100%) fruit juice.

***See 19 CSR 30-61.130(2)(I) for acceptable milk supply.

(I) The water and milk supply, and the method of dispensing, shall be approved by local or state health authorities, or both. Powdered milk shall not be used except for cooking purposes. Milk substitutes shall not be used for drinking or cooking.

(J) Mealtime atmosphere shall be enjoyable and relaxed. No child shall be forced to eat, but shall be encouraged to set his/her own pace according to personal preferences.

(K) Caregivers shall closely supervise and assist children during the meal.

(L) A current menu shall be posted and visible to parent(s), legal guardian or legal custodian. The menu shall be changed to note any substitutions.

(M) Drinking water shall be located conveniently near playrooms and outdoors so children may be free to drink as they wish. Water fountains or individual cups shall be used.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule was previously filed as 13 CSR 40-61.170, 13 CSR 40-61.190, 19 CSR 40-61.190 and 19 CSR 30-61.190. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred eighty-nine thousand three hundred dollars (\$189,300) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.130 Nutrition
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 30-61. 130 Nutrition
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,893	Child Care Homes	\$189,300.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1,893) X (10) X (\$10) = \$189,300.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04.
2. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the home provider ten (10) hours to plan menus and maintain records on nutrition services.
4. Even though approximately ninety (90) percent of the Child Care Home facilities receive food reimbursement through the USDA, Child Care Food Program, those funds are applied directly to the cost of meals and snacks and do not affect the time the provider invests in menu planning, meal preparation and record keeping.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.135 Admission Policies and Procedures. This rule defined admission policies and procedures for children in care.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.120, 13 CSR 40-61.135 and 19 CSR 40-61.135. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 191—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.140 Health Practices, Promotion and Protection

PURPOSE: This rule sets forth the requirements for reporting communicable diseases, caring for a child when ill, medication, emergency care and hand washing.

(1) Reportable Diseases.

(A) The home provider shall report to the local health department if any child at the child care home is suspected of having a reportable disease as defined by section 210.003, RSMo.

(B) In the event of an outbreak of communicable disease at the child care home, caregivers shall implement control measures recommended by a local state health authority as required by the department.

(C) Each child's parent(s), legal guardian or legal custodian shall be notified on the day that any child or adult at the child care home is identified as having a contagious disease. This requires that written information regarding the contagious disease be posted in a location designated for the purpose of sharing information with parent(s), legal guardian or legal custodian or that parent(s), legal guardian or legal custodian be individually notified. A copy of the notification shall be maintained in the facility's files.

(2) Observation for Illness.

(A) Each child shall be observed for contagious diseases and for other signs of illness on arrival and throughout the day.

(B) Unusual behavior shall be monitored closely and parent(s), legal guardian or legal custodian shall be contacted if the behavior continues or if other symptoms develop. These behaviors include, but shall not be limited to:

1. Is cranky or less active than usual;
2. Cries more than usual;
3. Feels general discomfort or seems unwell; or
4. Has loss of appetite.

(C) The parent(s), legal guardian or legal custodian shall be contacted when signs of illness are observed. The time of parental contact will be documented, and the decision made shall be recorded and filed in the child's record.

(3) Exclusion from Care.

(A) If a child exhibits any of the following symptoms, s/he shall not be accepted for care or must be sent home if symptoms occur after the child's arrival:

1. Fever equal to or greater than one hundred one degrees Fahrenheit (101°F) by mouth or one hundred degrees Fahrenheit (100°F) under the arm;

2. Symptoms and signs of possible severe illness until medical professional evaluation finds the child able to be included at the facility. Symptoms and signs of possible severe illness shall include:

- A. Lethargy that is more than expected tiredness;
- B. Uncontrolled coughing;
- C. Inexplicable irritability or persistent crying;
- D. Difficulty breathing;
- E. Wheezing; or
- F. Other unusual signs for the child.

3. Diarrhea—more than one (1) abnormally loose stool. If a child has one (1) loose stool, s/he shall be observed for additional loose stools or other symptoms;

4. Blood in stools not explainable by dietary change or hard stools;

5. Vomiting more than once;

6. Persistent abdominal pain (continues more than two (2) hours) or intermittent pain associated with fever or other signs or symptoms;

7. Purulent conjunctivitis (defined as pink or red conjunctiva with white or yellow eye discharge), until after treatment has been initiated;

8. Rash with fever or behavior change;

9. Sore throat or trouble swallowing;

10. Headache and stiff neck;

11. Severe itching of the body or scalp, or scratching of the scalp, which may be symptoms of lice or scabies; and

12. A child who is in the contagious period of a disease.

(B) If a child arrives at the facility and is not accepted for care, the decision and symptoms exhibited by the child will be documented and filed in the child's record.

(C) The child who becomes ill while in care shall be isolated from the other children and supervised until the parent(s), legal guardian or legal custodian arrives.

(D) If a child is sent home due to illness, the symptoms exhibited by the child, the time of parental contact and the time the child is picked up shall be recorded and filed in the child's record.

(E) A child who has been excluded from care due to illness, may return to care after:

1. A physician states in writing that the period of contagion has passed; or

2. The symptoms described in 19 CSR 30-61.150(3) are no longer exhibited by the child; or

3. A physician gives written authorization for the child to return to care.

(4) Medication.

(A) Any medication, prescription and nonprescription, shall be administered to a child only with the written, dated and signed per-

mission of the parent(s), legal guardian or legal custodian stating the length of time the medication may be administered and the specific time and amount for each dosage.

(B) Any prescription medication shall be in the original container and labeled by the pharmacist or physician with the child's name and instructions for administration, including the times and amounts for dosages and the physician's name. This may include any sample medication provided by a physician, if properly labeled.

(C) Any nonprescription medication shall be in the original container. It shall be labeled by the parent(s), legal guardian or legal custodian with the child's name, and instructions for administration, including the times and amounts for dosages. The manufacturer's instructions shall be followed unless a physician provides written instructions otherwise.

(D) The parent(s), legal guardian or legal custodian may give written, dated and signed permission for administering prescription medication for up to six (6) months for chronic conditions such as asthma and allergic reactions and may be renewed as necessary.

(E) The parent(s), legal guardian or legal custodian may give written, dated and signed permission for up to one (1) year for administering over-the-counter sunscreen, insect repellent and diaper creams and may be renewed as necessary.

(F) Medication may not be given on an "as needed" basis without specific written instructions from the parent(s), legal guardian or legal custodian including symptoms and dosage.

(G) Any caregiver who is to administer medication shall:

1. Check that the name of the child on the medication and the child receiving the medication are the same;
2. Read and understand the label/prescription directions in relation to the measured dose, frequency, and other requirements for administration (such as being given with food);
3. Administer the medication according to the prescribed methods and prescribed dose;
4. Observe and immediately report to the parent(s), legal guardian or legal custodian any side effects from medications;
5. Document the administration of medication as required in 19 CSR 30-61.140(4)(H).

(H) The name of the child, name of medication, quantity given, date and time of administration, and the name of the individual giving the medication shall be recorded promptly after administration. This information shall be filed in the child's record after the medication has been dispensed as directed.

(I) Medication shall be returned to storage immediately after use and shall be stored according to 19 CSR 30-61.090(5).

(J) Medication shall be returned to the parent(s), legal guardian or legal custodian when no longer needed.

(5) Immunizations.

(A) No child shall be permitted to enroll in or attend any child care facility caring for ten (10) or more children unless the child has been immunized adequately against vaccine-preventable childhood illnesses specified by the department in accordance with recommendations of the Immunization Practices Advisory Committee (ACIP). The parent or guardian of the child shall provide satisfactory evidence of the required immunizations. Satisfactory evidence means a statement, certificate or record from a physician or other recognized health facility or personnel, stating that the required immunizations have been given to the child and verifying the type of vaccine and the month, day and year of administration.

(B) A child who has not completed all immunizations appropriate for his/her age may enroll, if—

1. Satisfactory evidence is produced that the child has begun the process of immunization. The child may continue to attend as long as the immunization process is being accomplished according to the ACIP/Missouri Department of Health and Senior Services recommended schedule; or
2. The parent(s) or legal guardian has signed and placed on file with the child care administrator a statement of exemption which may be either of the following:

A. A medical exemption by which the child shall be exempted from immunization requirements upon certification by a licensed physician that the immunization would seriously endanger the child's health or life; or

B. A parent or guardian exemption, by which a child shall be exempted from immunization requirements if one (1) parent or guardian files a written objection to immunization with the child care administrator when the necessary information as determined by the department is filed with the child care administrator by the parent or guardian. Exemption forms shall be provided by the department.

(6) Accidents, Injuries, Emergency Medical Care and At-Risk Situations.

(A) In case of medical emergency, accident or injury to a child requiring emergency care, the home provider shall seek appropriate medical care and follow written parental instructions for medical care. Parent(s), legal guardian or legal custodian shall be notified of medical emergencies, accidents or injuries that require emergency medical care immediately, but no later than thirty (30) minutes after the incident.

(B) In case of other accidents, injuries, or symptoms that may need evaluation or consultation by medical personnel, the home provider shall contact the parent(s), legal guardian or legal custodian immediately but no later than (30) thirty minutes after the incident. Examples of such incidents include, but are not limited to, any trauma to the head or face, fall from equipment, cuts, burns, or bites. The time of the parental contact and the decision reached shall be documented in the child's record.

(C) In case of minor injuries to a child, (i.e., scratches, scrapes, etc.) parent(s), legal guardian or legal custodian shall be provided written notification of the injury the same day the injury occurs.

(D) In case of a child being placed in an at-risk situation the home provider shall notify the parent(s), legal guardian or legal custodian immediately but no later than thirty (30) minutes after the incident. This shall include, but not be limited to, any incident of child abuse/neglect, any incident in which a child(ren) was left without supervision at the child care home, left at a field trip or transportation site, left alone in a vehicle, or where a child leaves the child care home without caregiver's knowledge.

(E) The caregiver shall complete a statement regarding the date, time, circumstances, and description of any accident, injury, or at-risk situation, the time of parental notification, and any action taken. The statement shall comply with the following:

1. The written statement shall be filed in the child's record within twenty-four (24) hours;
2. Both the caregiver and the parent(s), legal guardian or legal custodian shall sign and date the statement;
3. A copy of the statement shall be provided to the parent(s), legal guardian or legal custodian; and
4. The home provider is responsible for assuring the completion of this report.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities six hundred and sixty-two thousand five hundred fifty dollars (\$662,550) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.140 Health Practices, Promotion and Protection
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61. 140 Health Practices, Promotion and Protection
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,893	Child Care Homes	\$662,550.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1,893) X (35) X (\$10.00) = \$662,550.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04.
2. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the home provider the following number of hours to maintain health records, isolate ill children, and contact parents in the next twelve (12) month time period:
 - Ten (10) hours to maintain children's immunization records.
 - Twenty-five (25) hours to isolate ill children, contact their parents, and maintain required records.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

Title 19—DEPARTMENT OF HEALTH**Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes****PROPOSED RESCISSION**

19 CSR 30-61.145 Nighttime Care. This rule set forth requirements for facilities providing nighttime care for children.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.130, 13 CSR 40-61.145 and 19 CSR 40-61.145. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES****Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes****PROPOSED RULE****19 CSR 30-61.150 Transportation of Children**

PURPOSE: This rule sets forth the requirements for transporting children.

(1) General Requirements.

(A) The home provider shall be responsible for ensuring the care, safety and supervision of children any time the child care home provides transportation for children.

(B) Written parental consent shall be on file prior to the child care home transporting children.

(2) Vehicle and Vehicle Operator.

(A) The driver of any vehicle transporting children shall be at least eighteen (18) years of age.

(B) The driver shall have a valid driver license of the type appropriate for the vehicle that is used to transport children, as required by Missouri law and available for review by bureau staff.

(C) All vehicles used to transport children shall be licensed in accordance with Missouri law.

(D) All vehicles used to transport children shall be maintained in a clean, safe operating condition, free of hazardous objects which could injure children.

(E) All vehicles used to transport children shall be maintained at a comfortable temperature, within a range of sixty-eight degrees Fahrenheit (68°F) and eighty-two degrees Fahrenheit (82°F).

(F) Children shall not be transported in campers, trailers or in the beds of pickup trucks, flat beds, etc.

(3) Safety and Supervision.

(A) Children shall never be left unattended in a vehicle. A caregiver shall be in or directly beside the vehicle at all times.

(B) All children shall be seated in a permanent, manufacturer's installed seat or an approved child safety seat.

(C) The vehicle's maximum seating capacity shall not be exceeded. Maximum seating capacity of the vehicle is based on the manufacturer's designated seating capacity.

(D) Children under age four (4) years or who weigh less than forty pounds (40 lbs.) shall be secured in an approved child restraint system as required by Missouri law.

(E) All children age four (4) and older shall be restrained by seat belts as required by Missouri law.

(F) The following identifying information shall be available in the vehicle: the names of children being transported, the names, addresses, and home and work telephone numbers of each child's parent(s), legal guardian or legal custodian, emergency contact information (including name and phone number for hospital and doctor) and the name, address, and phone number of the child care home.

(G) Caregiver/child ratios shall be maintained whenever children are transported to or from the child care home.

(H) Children shall be required to remain seated while the vehicle is in motion.

(I) Doors shall be locked when the vehicle is moving.

(J) Children shall enter and leave the vehicle from the curbside unless the vehicle is in a protected area or driveway.

(K) Children shall be assisted, when necessary, while entering or leaving the vehicle.

(L) Children shall be released only to the parent(s), legal guardian or legal custodian or individual(s) authorized by the parent(s), legal guardian or legal custodian.

(M) At drop-off, the operator of the vehicle shall assure the child is received by the parent(s), legal guardian or legal custodian or individual(s) authorized by the parent(s), legal guardian or legal custodian to receive the child, including school personnel, and shall not leave a child without supervision.

(N) "Face-to-name" roll calls shall be taken matching the child visually (face) to their name during all roll calls. At a minimum, these roll calls shall occur before leaving the child care home, after entering the vehicle, after returning to the vehicle and upon return to the child care home.

(O) When children leave the vehicle, the vehicle shall be thoroughly inspected to ensure that no child is left in any area of the vehicle.

(P) The home provider shall notify the parent(s), legal guardian or legal custodian of any child who is in a vehicle involved in an accident or moving violation while the child is in care. The notification shall occur the same day as the incident.

(Q) The home provider shall notify the bureau within twenty-four (24) hours of any accident or moving violation involving transportation provided by the child care home.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities eighteen thousand nine hundred fifty dollars (\$18,950) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.150 Transportation of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61. 150 Transportation of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,893	Child Care Homes	\$18,950.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(379) X (5) X (\$10.00) = \$18,950.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04.
2. BCC estimates that approximately twenty (20) percent of Child Care Homes provide transportation services. Based on this percentage, 379 Child Care Homes provide transportation services. It should be noted that providing transportation is not a licensing requirement.
3. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
4. It is estimated that it will take the home provider an average of five (5) hours in order to maintain records, maintain parental authorizations and notify parents and BCC in case of an accident.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

END OF PART I

**THIS ISSUE CONTAINS
TWO VOLUMES**

Volume 29, Number 22
Pages 1993-2204
November 15, 2004
Part II

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.151 Field Trips

PURPOSE: This rule sets forth the additional requirements, in addition to the transportation rules, for taking children on field trips.

(1) General Requirements.

(A) The home provider shall be responsible for the care, safety and supervision of children on field trips.

(B) Written and signed parental consent shall be on file at the child care home for each specific field trip taken by the program away from the child care home. The consent shall include, but not be limited to, the date of the field trip, the estimated time of leaving and returning to the child care home, the method of transportation, the destination, and the caregivers who will be responsible for supervising the children during the field trip.

(C) Written and signed parental consent may be given for regularly scheduled field trips for a designated period of time, not to exceed three (3) months.

(D) The home provider shall make reasonable accommodations to transport children with physical disabilities on scheduled field trips.

(E) Any outdoor activity in space other than the approved outdoor play space shall meet field trip requirements.

(2) Safety and Supervision.

(A) There shall be a minimum of two (2) caregivers on each field trip when more than six (6) children are being transported.

(B) Children shall wear identification stating the name and phone number of the child care home in case the child becomes separated from the group. For security reasons it is recommended that the identification not include the child's name.

(C) Each child shall be assigned to a specific caregiver for every part of the field trip.

(D) "Face-to-name" roll calls shall be taken during all field trips. At a minimum, these roll calls shall occur before leaving the child care home, after entering the vehicle, during a field trip, after taking children to the bathroom, after returning to the vehicle and upon return to the child care home.

(E) When children leave the vehicle, the vehicle shall be thoroughly inspected to ensure that no child is left in any area of the vehicle.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities fifty-six thousand eight hundred fifty dollars (\$56,850) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.151 Field Trips
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Department of Health and Senior Services
Estimated Cost of Compliance in the Aggregate	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61. 151 Field Trips
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
379	Child Care Homes	\$56,850.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Monitoring Cost.
 (379) X (12) X (\$10.00) = \$45,480.00 Total Aggregate Cost

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Staff Cost
 (379) X (6) X (\$5.00) = \$11,370.00

Total Cost = \$56,850.00

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1893 licensed Child Care Homes in FY04.
2. BCC estimates that approximately twenty (20) percent of Child Care Homes provide transportation services. Based on this percentage, 379 Child Care Homes provide transportation services. It should be noted that providing transportation and field trips are not a licensing requirement.
3. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
4. Additional Home caregiver salary is estimated at \$5.00 per hour.
5. It is estimated that Child Care Homes conduct an average of six (6) field trips per year. This necessitates notification of parents regarding each trip and maintaining field trip authorization forms. It will take the home provider an average of two (2) hours per field trip or twelve (12) hours per year to maintain compliance with this rule.
6. It is estimated that the increased caregiver/child ratios will require one additional staff member for fifty (50) percent of the field trips and will average two (2) hours in length.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.155 Overlap Care of Children. This rule defined overlap care and sets forth the requirements of overlap care.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.140, 13 CSR 40-61.155 and 19 CSR 40-61.155. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.155, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.155 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.155 Overlap Care of Children

PURPOSE: This rule defines overlap care and sets forth the requirements for overlap care.

(1) The child care home shall not provide overlap care without prior written approval from the bureau.

(2) Overlap care of children under the age of two (2) shall not be permitted.

(3) During overlap care the number of children in care may exceed the licensed capacity of the child care home to accommodate situations such as parent's(s'), legal guardians' or legal custodians' work shifts or before and after school care if the following conditions are met:

(A) The provider shall submit a written request for overlap on a form provided by the bureau. The overlap request shall include the hours overlap care will be provided;

(B) The number of additional children in care shall not exceed one-third (1/3) of the licensed capacity of the child care home at the time of overlap;

(C) The overlap period(s) shall not exceed two (2) hours total in any twenty-four (24)-hour child care day. The two (2) hours of available overlap time may be utilized in smaller time periods; and

(D) All procedures for admitting children shall be followed if a child care home enrolls children for overlap care.

(4) Approval for overlap care may be denied or rescinded based on fire safety restrictions or a child care home's history of noncompliance with licensing rules related to caregiver/child ratio and supervision of children.

(5) Approval for overlap care will be reviewed at each license renewal.

(6) The overlap approval shall be posted near the license.

(7) Any changes in the hours of overlap care shall require that a new overlap request form be submitted and approved by the bureau.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-61.140, 13 CSR 40-61.155 and 19 CSR 40-61.155. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.155, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.155 July 30, 1998. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions sixty-eight thousand six hundred eighteen dollars (\$68,618) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities fifteen thousand one hundred forty dollars (\$15,140) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.155 Overlap Care of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$68,618 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (3\%) = \$68,618$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 3% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 30-61. 155 Overlap Care of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1514	Child Care Homes	\$15,140.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1514) X (1) X (\$10.00) = \$15,140.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04.
2. BCC estimates that approximately eighty (80) percent of Child Care Homes request overlap care. Based on this percentage, 1,514 Child Care Homes request overlap care.
3. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
4. It will take the home provider an average of one (1) hour per year to maintain compliance with the documentation requirements of this rule.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.165 Emergency School Closings. *This rule allowed one-third (1/3) additional attendance of school-age children on unscheduled days of school closing.*

PURPOSE: *The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.*

AUTHORITY: *section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.150, 13 CSR 40-61.165 and 19 CSR 40-61.165. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.165, effective Dec. 9, 1993. Changed to 19 CSR 30-61.165 July 30, 1998. Rescinded: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

AUTHORITY: *section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-61.150, 13 CSR 40-61.165 and 19 CSR 40-61.165. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.165, effective Dec. 9, 1993. Changed to 19 CSR 30-61.165 July 30, 1998. Rescinded and readopted: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rule will cost state agencies or political subdivisions twenty-two thousand eight hundred seventy-three dollars (\$22,873) annually in the aggregate.*

PRIVATE COST: *This proposed rule will cost private entities eighteen thousand nine hundred thirty dollars (\$18,930) annually in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.165 Emergency School Closings

PURPOSE: *This rule allows one-third (1/3) additional attendance of school-age children on unscheduled days of school closings.*

(1) The child care home may accommodate enrolled school-age children who need care on days when schools are closed due to emergencies such as inclement weather or physical plant failure.

(2) The licensed capacity of the child care home may be exceeded by one-third (1/3) for the day. This shall not be in addition to the one-third (1/3) excess attendance allowed for overlap care. At no time may the total number in care be more than one-third (1/3) over the licensed capacity of the child care home.

(3) The provider shall maintain a written record including the date of the emergency school closing, the reason for the closing and the number of children in care, including children's names and ages on that date.

(4) This section of the rules does not apply to days schools announce in advance closures such as, but not limited to, holidays and parent conferences.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.165 Emergency School Closings
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$22,873 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (1\%) = \$22,873$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.
- CCFS III (12) 480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 1% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 30-61. 165 Emergency School Closings
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1893	Child Care Homes	\$18,930.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1893) X (1) X (\$10.00) = \$18,930.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04.
2. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It will take the home provider an average of one (1) hour per year to maintain required documentation for this rule.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.170 Records and Reports

PURPOSE: This rule lists records and reports that must be on file at the child care home to meet administrative requirements and to ensure knowledge of the individual needs of children and their families.

(1) The provider shall maintain an individual file at the child care home for each child enrolled in care.

(2) Each child's individual file shall contain information pertaining to enrollment, health, accidents, injuries, emergency medical care, at-risk situations, transportation, field trip permission and other significant information as needed.

(3) The enrollment documents shall include information as specified in 19 CSR 30-61.110.

(4) The health documents shall include:

(A) Immunization records as required by 19 CSR 30-61.140(5);

(B) A medical examination report as required by 19 CSR 30-61.110;

(C) The individualized plan for specialized care for any child having a special need as required by 19 CSR 30-61.110(4)(K);

(D) Parental authorization for medications and a record of medications administered as defined in 19 CSR 30-61.140(4);

(E) Documentation of the date and time of parental contact due to illness and the decision made shall be filed in the child's individual record as specified in 19 CSR 30-61.140(3)(D); and

(F) Documentation of accidents, injuries, emergency medical care and at-risk situations shall include information as specified in 19 CSR 30-61.140(6).

(5) Documentation of any significant information learned from observation or communication regarding the child. This includes, but is not limited to:

(A) Behavioral observations, such as extreme aggressive or passive behavior, unusual changes in activity level (e.g., sluggish, hyperactive);

(B) Persistent or serious concerns expressed by a child;

(C) Indicators of child abuse/neglect, including the date and action taken when reported to the child abuse/neglect hotline;

(D) Information communicated from the child's parent(s), legal guardian, or legal custodian or other sources; and

(E) Any action taken as a result of the above observations or communications.

(6) The provider shall maintain an individual file at the child care home for each staff member. Each staff's individual file shall include documentation pertaining to personnel information; health; background screenings; and required training.

(7) The health documentation shall contain medical examination reports for staff, as required by 19 CSR 30-61.100(4).

(8) The background screening documentation shall contain a copy of the Family Care Screening results as required by 19 CSR 30-61.100(2).

(9) The training documentation shall contain staff training records, as required by 19 CSR 30-61.100(6).

(10) Record Maintenance and Retention.

(A) Individual children's records shall be retained a minimum of one (1) year after the child discontinues attendance.

(B) Individual child care staff's records shall be retained a minimum of one (1) year after the staff discontinues employment or volunteering.

(C) Daily sign-in sheets with children's times of arrival and departure shall be maintained and kept on file a minimum of one (1) year.

(D) Daily attendance records for the home provider and other staff with times of arrival and departure from the premises shall be maintained and kept on file a minimum of one (1) year.

(E) All records shall be filed on the premises in a place known to all caregivers and shall be accessible by the person in charge at all times during the hours the child care home is open and operating.

(F) Emergency school closing records, as required by 19 CSR 30-61.165(3) shall be on file.

(G) A written record of emergency drills as required by 19 CSR 30-61.086(2)(C) shall be on file.

(H) All records of children shall be confidential, protected from unauthorized examination. Each child's record shall be available to his/her parent(s), legal guardian or legal custodian upon request.

(I) All records shall be available at the child care home for inspection by the bureau upon request.

(J) Reports to the bureau shall be submitted as required.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-61.180, 13 CSR 40-61.210 and 19 CSR 40-61.210. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities three hundred seventy-eight thousand six hundred dollars (\$378,600) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.170 Records and Reports
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 30-61. 170 Records and Reports
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1893	Child Care Homes	\$378,600.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1893) X (20) X (\$10.00) = \$378,600.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1893 licensed Child Care Homes in FY04.
2. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It will take the home provider an average of twenty (20) hours per year of specialized oversight to maintain staff and children's beyond the costs specified in previous private fiscal notes.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.175 Child Care Program. This rule set forth the requirements for the care of children, including supervision, emergency drills, discipline, diapering and toileting, and daily activities.

PURPOSE: *The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.*

AUTHORITY: *section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-61.160, 13 CSR 40-61.175 and 19 CSR 40-61.175. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.175, effective Dec. 9, 1993. Changed to 19 CSR 30-61.175 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Rescinded: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

(F) During sleeping hours, a caregiver shall be on the same floor as sleeping children and close enough to sleeping areas to hear children and respond to children needing attention.

AUTHORITY: *section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-61.130, 13 CSR 40-61.145 and 19 CSR 40-61.145. Original rule filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rule will cost state agencies or political subdivisions twenty-two thousand eight hundred seventy-three dollars (\$22,873) annually in the aggregate.*

PRIVATE COST: *This proposed rule will cost private entities nine hundred forty-five dollars (\$945) annually in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.180 Nighttime Care

PURPOSE: *This rule sets forth requirements for facilities providing nighttime care for children.*

(1) If nighttime care is to be offered on a regular basis, rules shall be met as set forth for nighttime care, and the child care home shall be specifically licensed to include nighttime care.

(2) Facilities licensed for nighttime care shall meet these additional requirements:

(A) Special effort shall be made by caregivers to individualize care at children's bedtime and awakening. The parent(s), legal guardian or legal custodian shall be consulted concerning his/her child's particular behavior patterns at bedtime and awakening;

(B) Room arrangements shall accommodate children's need for undisturbed sleep when/if parent(s), legal guardian or legal custodian arrive during various hours of nighttime care;

(C) Personal items such as combs, brushes, toothbrushes or other personal items shall be individually marked with the child's name;

(D) Nightlights shall be provided and shall be located in areas as required by individual children's needs;

(E) Separate sleeping and dressing areas shall be provided for school-age boys and girls; and

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.180 Nighttime Care
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$22,873 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (1\%) = \$22,873$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 1% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 30-61. 180 Nighttime Care
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1893 Licensed Facilities	Child Care Homes	\$945.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Cost of Nightlights) = Aggregate Nighttime Cost
(189) X (\$5.00) = \$945.00
Total = \$945.00

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04.
2. Bureau of Child Care (BCC) estimates that ten (10) percent of Child Care Homes provide nighttime care (189 facilities).
3. BCC estimates the cost of nightlights to be \$ 5.00.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes

PROPOSED RESCISSION

19 CSR 30-61.185 Health Care. This rule outlined the requirements for reporting communicable diseases, caring for a child when ill, medication, emergency care, and hand washing.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.185 and 19 CSR 40-61.185. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes

PROPOSED RESCISSION

19 CSR 30-61.190 Nutrition and Food Service. This rule provided the requirements for nutritious meals, snacks and methods of food service.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule was previously filed as 13 CSR 40-61.170, 13 CSR 40-61.190 and 19 CSR 40-61.190. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.190, effective Dec. 9, 1993. Changed to 19 CSR 30-61.190 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received

within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes

PROPOSED RESCISSION

19 CSR 30-61.200 Transportation and Field Trips. This rule set forth the requirements of a day care provider when transporting children on field trips.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule was previously filed as 13 CSR 40-61.200 and 19 CSR 40-61.200. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.200, effective Dec. 9, 1993. Changed to 19 CSR 30-61.200 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes

PROPOSED RESCISSION

19 CSR 30-61.210 Records and Reports. This rule listed records and reports which must be on file at the facility.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-61.180, 13 CSR 40-61.210 and 19 CSR 40-61.210. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City,

MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes

PROPOSED RESCISSION

19 CSR 30-61.220 Variance Request. This rule explained how a provider may request a variance from the rules of this chapter.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 19 CSR 40-61.220. Emergency rule filed Aug. 27, 1993, effective Sept. 5, 1993, expired Jan. 2, 1994. Emergency rule filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Original rule filed Aug. 27, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.220 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes

PROPOSED RULE

19 CSR 30-61.220 Variance Request

PURPOSE: This rule explains how a licensee may request a variance from a rule in the *Licensing Rules for Child Care Homes*.

(1) The licensee may request a variance from a rule. The request for a variance shall be made in writing to the bureau and shall include the rule(s) for which a variance is requested and the reason(s) the provider requests the variance.

(2) The provider shall continue to follow the rule(s) for which the variance was requested until notified in writing of the bureau's decision regarding the request.

(3) If the variance request is approved, the licensee shall be advised in writing by the bureau of the approval and any required conditions. The variance approval shall be posted by the licensee.

(4) The bureau may rescind the variance with written notice to the licensee if the licensee fails to comply with the required condition(s).

(5) If the bureau does not approve a variance request, the bureau shall advise the licensee in writing of the reason(s) the variance has been determined to endanger the health or safety of the children served by the child care home. The owner may request a review of the decision by the department director within thirty (30) days of receipt of the denial notice. The department director shall make a final determination to approve or deny the variance request. That determination is subject to Chapter 536, RSMo review for licensed facilities.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 19 CSR 40-61.220. Emergency rule filed Aug. 27, 1993, effective Sept. 5, 1993, expired Jan. 2, 1994. Emergency rule filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Original rule filed Aug. 27, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.220 July 30, 1998. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities two thousand four hundred ten dollars (\$2,410) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.220 Variance Request
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

- | | |
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| • CCFS II (70) | \$2,450,000. |
| • Office Support Assistant –OSA (11.5) | 241,500. |
| • Senior OSA (6) | 132,000. |
| • Administrative OSA (1) | <u>23,460.</u> |
| | \$4,158,340. |
2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
 3. Total BBC Sanitation Outsourcing cost is \$469,000.
 4. Total BCC budget cost for all regulatory work is \$5,198,340.
 5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
 6. This rule represents 4% of the total Child Care Homes work load.
 7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61. 220 Variance Request
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1893 Existing Facilities 272 New Facilities	Child Care Homes	\$2,410.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(189) X (1) X (\$10.00) = \$1,890.00 Licensed Facilities Variance Cost

(52) X (1) X (\$10.00) = \$520.00 New Applications Variance Cost

Total = \$2,410.00

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04.
2. Bureau of Child Care (BCC) approved 259 new applications in FY04.
3. It is estimated that ten (10) percent of licensed Child Care Homes This ratio represents 189 Child Care Homes that require a variance.
4. It is estimated that twenty (20) percent of new Child Care Homes will require a variance. This ratio represents 52 new approved Child Care Home applications.
5. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
6. It will take the home provider an average of one (1) hour to complete the variance request form.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.230 Grandfather Clause

PURPOSE: This rule allows facilities to continue compliance with a previously promulgated rule and partial or full exemption from a new requirement with additional conditions as identified below.

NOTE: Current rules with a “grandfather clause” will be identified by the symbol (GF) after the affected rule.

(1) General Rules.

(A) All licensing rules listed in this copy and subsequent copies of the Licensing Rules for Child Care Homes apply to all providers unless listed in the exceptions below.

(B) “Grandfather” provisions shall not apply when any child care home changes ownership after the issuance of these rules. These facilities shall comply with all licensing rules current at the time of the change of ownership.

(C) “Grandfather” provisions shall not apply when any child care home remodels the facility, constructs a new building or addition, replaces or adds a fence or replaces any piece of equipment or item that would not be approvable under these guidelines. These facilities shall conform to all current licensing rules.

(D) The bureau will develop a time period with facilities licensed prior to the effective date of these rules (not to exceed six (6) months) to reach compliance with all rules that have changed that are not listed below as grandfathered rules.

(E) Rules grandfathered for previously licensed programs:

CURRENT RULE	GRANDFATHERING PROVISION
19 CSR 30-61.100(3)(A) “Any non-resident child who comes into a child care home for care, including any child related to the licensee, shall be counted in the licensed capacity.”	Facilities licensed prior to the issuance of these rules may continue to care for the specific related children already being cared for at the facility and not count them in capacity. Related children beginning care after the effective date of these rules will be counted in capacity. The provider shall provide a list of all related children in care to the Bureau of Child Care (BCC).
19 CSR 30-61.100(3)(B) and (4) “Any resident foster child in a licensed child care home shall be counted in the total number of children in care.”	Facilities licensed prior to the issuance of these rules that were granted permission by the BCC not to count foster children in capacity may continue to do so with those specific children. All foster children placed after the issuance of these rules will be counted in capacity. The provider shall provide a list of all foster children in care to the BCC.
19 CSR 30-61.065(1)(F) “Stairways in approved child care space having more than three (3) steps shall have a handrail placed at a height that is thirty-four inches (34”) to thirty-eight inches (38”) from the steps.”	Handrails approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced handrails shall meet the current rule requirement. The provider shall develop and copy to the BCC a written plan of supervision to assure the children’s safety.
19 CSR 30-61.065(1)(G) “Porches, decks, lofts, stairwells or other physical plant structures in approved child care space having a drop-off of more than twenty-four inches (24”) from which children might fall shall have an approved protective banister, guardrail, or barrier that is at least thirty-six inches (36”) high.”	Protective banisters, guardrails or barriers approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced banisters, guardrails, or barriers shall meet the current licensing rule requirement. The provider shall develop and copy to the BCC a written plan of supervision to assure the children’s safety.

19 CSR 30-61.065(1)(H) "Protective barriers, banisters or guardrails shall not have any openings greater than three and one-half inches (3 1/2") and shall be constructed in a manner not conducive to climbing."	Banisters, protective guardrails or barriers approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced banisters, guardrails, or barriers shall meet the current licensing rule requirement. The provider shall develop and copy to the BCC a written plan of supervision to assure the children's safety.
19 CSR 30-61.065(3)(A)1. "A bathroom shall be located on each floor used for child care."	Facilities previously approved are not required to meet this rule. The provider shall develop and copy to the BCC a written plan of how they will maintain supervision of children.
19 CSR 30-61.070(2)(F) "The play area fence shall be at least forty-eight inches (48") high and shall be permanently installed."	Fences approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fences shall meet the current licensing rule requirement.
19 CSR 30-61.070(2)(G) "Openings in the fence shall be no greater than three and one-half inches (3 1/2") to prevent children from climbing, crawling or falling through or becoming entrapped."	Fences approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fences shall meet the current licensing rule requirement.
19 CSR 30-61.070(3)(D) "All outdoor equipment shall be constructed to be free of CCA treated lumber."	Outdoor equipment constructed of CCA treated lumber and approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced equipment shall meet the current licensing rule requirement.
19 CSR 30-61.070(3)(J) "All stationary equipment shall have a minimum of six feet (6') clearance space from other stationary equipment, all walkways, fences, buildings or other structures."	Outdoor equipment approved by the BCC prior to the issuance of these rules and that has a clearance space less than six feet (6') may continue to be used.
19 CSR 30-61.075(6) "Any fence used to restrict children's access to a swimming or wading pool shall be at least forty-eight inches (48") high, shall have a locked gate, and shall be constructed to prevent a child from climbing into the pool."	Fences approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fences shall meet the current licensing rule requirement.
19 CSR 30-61.075(17) "A hot tub shall have an approved, locked hard cover in place at all times that children are in care, or the hot tub shall be enclosed by a fence that is at least forty-eight inches (48") high with a locked gate, which is constructed to prevent a child from climbing into the hot tub area."	Fences approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fences shall meet the current licensing rule requirement.
19 CSR 30-61.086 Fire Safety Rules	All fire safety rules that have been grandfathered are noted in the text of the fire safety rules.
19 CSR 30-61.090(8)(D) "When local codes are not in effect, on-site sewage disposal systems shall be regulated by the department and shall meet all provisions of sections 701.025 to 701.059, RSMo."	Sewage systems approved by the department prior to the issuance of these rules may continue to operate these systems as long as the previous conditions of approval are maintained.
19 CSR 30-61.090(18)(J) "Facilities shall have mechanical ventilation in all bathrooms."	Facilities licensed prior to 10/31/91 may continue to operate without mechanical ventilation in bathrooms.
19 CSR 30-61.100(6)(M) "Prior to initial licensure, the approved home provider shall be certified in infant and child CPR and first aid with documentation on file at the facility. A staff member with this documented current certification shall be on duty at all times when child care is provided."	Facilities licensed prior to the issuance of these rules shall be allowed six (6) months in order to be in compliance with this rule.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Centers**

PROPOSED RESCISSION

19 CSR 30-62.010 Definitions. This rule defined the terms used in the rules for group child care homes and child care centers.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.010 and 19 CSR 40-62.010. Original rule filed in 1956. Amended: Filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.010 Definitions

PURPOSE: This rule defines the terms used in the Licensing Rules for Group Child Care Homes and Child Care Centers.

(1) "Adult" is any individual eighteen (18) years of age or older.

(2) "Applicant" is a person seeking to become licensed who submits a completed and signed application form supplied by the Bureau of Child Care for the purpose of requesting inspection of a child care facility to determine compliance with regulatory requirements.

(3) "Approved child care space" is indoor and outdoor space that the Bureau of Child Care has inspected and licensed for children's use.

(4) "At-risk situation" is any incident in which a child is placed in jeopardy and may include, but is not limited to, lack of supervision, staff negligence, or exposure to hazardous materials or conditions.

(5) "Attendance" is the number of children enrolled at the facility and participating in the program at any one time whether on or off the premises.

(6) "Background check" is a process required in section 210.900, RSMo for screening an individual for a history of criminal record; probable cause finding of child or elder abuse and/or neglect; foster parent licensure denials, revocations and suspensions; child care facility license denials, revocations and suspensions; the Department of Mental Health's employee disqualification registry; and residential living facility and nursing home license denials, revocations, suspensions and probationary status, and sexual offender registration.

(7) "Bureau" is the Bureau of Child Care.

(8) "Caregiver" is any adult who is responsible for the protection, development and supervision of children in a child care facility.

(9) "Caregiver/child ratio" is the number of caregivers required in relation to the number and ages of children in care.

(10) "Change of ownership" is a transfer of controlling legal or controlling equitable interest and authority in a child care facility from one person(s) or entity to another.

(11) "Child" is an individual who is under the age of seventeen (17).

(12) "Child care" is responsibility for the protection, development and supervision of a child away from his/her own home for any part of the twenty-four (24)-hour day for compensation or otherwise. Child care may be given in a child care home, group child care home or child care center.

(13) "Child care center," hereafter referred to as center, even if called by another title or name, is a child care facility licensed as a center for more than four (4) children not related to the licensee for any part of the twenty-four (24)-hour day. A child care center shall be in a location other than the licensee's permanent residence or in the licensee's residence in space that is separate from the licensee's living quarters.

(14) "Child care facility," hereafter referred to as facility, is a house or other place conducted or maintained by any person who advertises or holds him/herself out as providing care for more than four (4) children, for compensation or otherwise, with exceptions noted in section 210.201(2), RSMo.

(15) "Child care home," hereafter referred to as home, whether known or incorporated under another title or name, is a child care facility licensed as a home where care is given by a child care home provider for no more than ten (10) children for any part of the twenty-four (24)-hour day.

(16) "Child Care Orientation Training," hereafter referred to as CCOT, is an introductory caregiver training module developed by the bureau. This introductory training includes information on licensing

rules, child abuse/neglect, developmentally appropriate practice, supervision, and health/environmental safety.

(17) "Child Care Orientation Training Plus," hereafter referred to as CCOT+, is a specialized caregiver training module developed by the bureau, such as training on infant/toddler or school-age child care.

(18) "Child care provided by a business as a convenience for its customers or employees" is a program operated by a commercial establishment which provides care for no more than four (4) hours per child per day for the children of its customers or employees.

(19) "Child care specialist" is an employee of the bureau who investigates and monitors child care facilities for the purpose of determining compliance with regulatory requirements.

(20) "Daytime" is any part of the twenty-four (24)-hour day between 6:00 a.m. and 9:00 p.m.

(21) "Department" is the Missouri Department of Health and Senior Services (MDHSS).

(22) "Department director" is the director of the Missouri Department of Health and Senior Services.

(23) "Department of Mental Health (DMH) day program" is a program licensed by DMH which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005, RSMo.

(24) "Face-to-name roll call" is the visual matching of a child's face to his/her name on a list during all roll calls.

(25) "Facility director," hereafter referred to as director, is the qualified, approved individual who is designated by the licensee as the individual responsible for the supervision of caregivers, and for planning, organizing, leading and monitoring the facility's daily program and curriculum.

(26) "Family Care Safety Registry," hereafter referred to as FCSR, is a registry in the Missouri Department of Health and Senior Services that families and other employers may contact to obtain background checks on registered caregivers, pursuant to sections 210.900 to 210.937, RSMo.

(27) "Grandfather (GF) clause" is the bureau's provision per statute to allow a facility to continue compliance with a previously promulgated rule with partial or full exemption from a new requirement.

(28) "Group child care home," whether known or incorporated under another title or name, is a child care program licensed as a group child care home for eleven (11), but not more than twenty (20) children, for any part of the twenty-four (24)-hour day. A group child care home shall be in a location other than the licensee's permanent residence or in the licensee's residence in space that is separate from the licensee's living quarters.

(29) "Group size" is the number of children assigned to a caregiver(s) in an individual classroom or well-defined space within a large room.

(30) "Infant" is any child under twelve (12) months of age.

(31) "Infant/toddler unit" is approved child care space used exclusively for the care of children ages birth to thirty-six (36) months.

(32) "Licensed capacity" is the maximum number of children who may be in the care of a facility at any one time, as specified on the facility license, whether on or off the premises.

(33) "Licensee" is the person who is licensed under section 210.211, RSMo to establish, conduct or maintain a child care facility.

(34) "Local health agency" is an organization operated by a city or county that enforces local public health codes and ordinances and provides other public health related services.

(35) "Medication" is any prescription or over-the-counter substance that is administered either internally or topically for the purpose of treatment or prevention of illness or injury.

(36) "Nighttime" is the part of the twenty-four (24)-hour day between 9:00 p.m. and 6:00 a.m.

(37) "Nursery school" is a facility with the primary function of providing an educational program for preschool children for no more than four (4) hours per child per day.

(38) "Owner" is the person who has controlling legal or controlling equitable interest and who is responsible for establishing, maintaining and operating a facility that is subject by statute to licensure.

(39) "Parent(s), legal guardian, or legal custodian" is an individual who has legal and/or physical custody of a child who is enrolled for care at a child care facility.

(40) "Person" is any individual, firm, corporation, association, institution, or other incorporated or unincorporated organization.

(41) "Physical plant" is a building that houses a facility or licensed areas within a building including the architectural, structural, mechanical, electrical, plumbing and sanitation, and fire protection elements of the building.

(42) "Premises" is a house(s), dwelling(s) or building(s) and its adjoining land, including licensed and unlicensed space.

(43) "Preschool child" is any child two through five (2-5) years of age who is not attending kindergarten.

(44) "Recreational program" is a program established primarily to provide leisure or sports activities for school-age children who are allowed to attend at their discretion.

(45) "Related" is any of the following relationships by marriage, blood or adoption between the licensee and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, or nephew.

(46) "Religious organization" is a church, synagogue, mosque or entity that has or would qualify for federal tax exempt status as a nonprofit religious organization under section 501 of the *Internal Revenue Code* or an entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

(47) "Religious organization academic preschool or kindergarten" is an educational program operated exclusively for four (4) and five (5)-year old children by a religious organization.

(48) "School-age child" is any child five (5) years of age or older who is attending kindergarten or above.

(49) "School system" is a program established primarily for education and which meets the following criteria:

(A) Provides education in at least the first through the sixth grade; and

(B) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student.

(50) "Staff" is any adult employee or volunteer who works in any capacity at a child care facility and has contact with children in care.

(51) "Summer camp" is a facility which is operated exclusively for school-age children during summer months and which does not operate on the same premises and during the same months as a licensed or license-exempt child care program.

(52) "Supervision of children" is the function of observing, overseeing, and guiding a child or group of children. This includes responsibility, awareness, and direction for the ongoing activity of each child. It requires physical presence near enough to children to intervene as needed; knowledge of developmentally appropriate activity requirements; knowledge of individual children's needs; and accountability for children's safety and well-being.

(53) "Supervision of staff" is the function of observing, overseeing, and guiding staff.

(54) "Toddler" is any child from twelve to twenty-four (12-24) months of age.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-62.010 and 19 CSR 40-62.010. Original rule filed in 1956. Amended: Filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers**

PROPOSED RESCISSION

19 CSR 30-62.022 Exemption of Day Care Facilities. This rule defined the basis on which a group day care home or child day care center may qualify for exemption from licensure.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.211.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.035, 13 CSR 40-62.022 and 19 CSR 40-62.022. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.022 Exemption of Child Care Facilities

PURPOSE: This rule defines the basis by which a facility may qualify for exemption from licensure.

(1) A child care facility is exempt from licensure if it is under the exclusive control of an entity that qualifies for exemption per sections 210.201(2) and 210.211, RSMo.

(2) When a nonreligious organization provides child care through an arrangement with a religious organization to maintain or operate a child care facility, the facility is not under the exclusive control of the religious organization and does not qualify for exemption from licensure under section 210.211(5), RSMo.

(3) If the person(s) operating the facility claims exemption from licensure, s/he shall submit all information requested by the department to confirm the exemption from licensing before caring for more than four (4) children per section 210.211, RSMo.

(4) The person operating a facility that is determined to be exempt from licensing may waive exemption and apply for voluntary licensure. These facilities shall comply with all licensing rules.

(5) A facility that is not exempted under sections 210.201 and 210.211, RSMo shall be licensed before providing care for more than four (4) children at one time who are not related per 19 CSR 30-62.014(45).

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-62.035, 13 CSR 40-62.022 and 19 CSR 40-62.022. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.022 Exemption of Child Care Facilities
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

Title 19—DEPARTMENT OF HEALTH

**Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers**

PROPOSED RESCISSION

19 CSR 30-62.032 Organization and Administration. This rule defined the requirements for the organization and administration of group day care homes and child day care centers.

PURPOSE: The Department of Health and Senior Services has addressed these requirements in another revised rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.061, 13 CSR 40-62.032 and 19 CSR 40-62.032. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.032, effective Dec. 9, 1993. Changed to 19 CSR 30-62.032 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH

**Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers**

PROPOSED RESCISSION

19 CSR 30-62.042 Initial Licensing Information. This rule described the procedures for application for licensure, the licensing investigation and provisions for continued licensing investigations after the initial license was granted.

PURPOSE: The Department of Health and Senior Services has addressed these requirements in another revised rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-62.021, 13 CSR 40-62.042 and 19 CSR 40-62.042. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH

AND SENIOR SERVICES

**Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.042 Initial Licensing Process

PURPOSE: This rule describes the procedures for the application for initial licensure, the licensing investigation and the licensing of group child care homes and child care centers.

(1) As part of the inquiry or application process, the prospective licensee shall meet with the bureau to discuss the licensing rules and the licensing process.

(2) A completed, signed application for a license shall be filed with the bureau on a form provided by the department. The application shall be signed by the owner(s), or board chair, or limited liability company manager.

(3) Upon receipt of a completed, signed application, the bureau shall conduct a licensing investigation. If compliance with licensing rules is not met within six (6) months, the application shall expire and be void.

(4) The entire premises of the facility shall be subject to inspection by the bureau.

(5) Before beginning new construction or alterations to an existing building, the applicant shall submit a full set of construction plans to the Division of Fire Safety for review and approval. This includes, but is not limited to, architectural, mechanical, fire alarm and automatic sprinkler plans.

(6) Prior to the granting of a license, the applicant shall submit the following to the bureau:

(A) A floor plan of the facility showing the arrangement of the rooms, including the location of toilet and hand washing facilities, the kitchen, the office, interior and exit doors. The child care specialist and the applicant shall measure the facility jointly and agree on final measurements;

(B) A diagram of the outdoor play area showing the placement of permanent equipment, the location of fencing and gates, and the relation of the exit from the facility to the outdoor play area. The child care specialist and the applicant shall measure the area jointly and agree on final measurement;

(C) The facility's written policies pertaining to child care practices for:

1. Enrollment and discharge;
2. Daily admission and dismissal;
3. Supervision plan;
4. Guidance and discipline;
5. Mandatory reporting of suspected child abuse/neglect;
6. Transportation and field trips;
7. Administration of medication;
8. Notifying parent(s), legal guardian, or legal custodian of illness, accident, injury, emergency medical care or at-risk situations;

9. Exclusion from care due to illness;
 10. Plan for maintaining confidential information;
 11. Communication with parent(s), legal guardian, or legal custodian; and
 12. Nondiscrimination;
 - (D) Staff policies, which shall include but are not limited to:
 1. Staff responsibilities and procedures for implementing the facility's written child care practices as stated in 19 CSR 30-62.042(6)(C);
 2. Plan for maintaining confidential information;
 3. Guidance and discipline;
 4. Transportation and field trips (if applicable);
 5. Nondiscrimination; and
 6. Cooperation with the licensing authority;
 - (E) A schedule of daily activities for each age group in care (infant/toddler, preschool and school-age);
 - (F) A sample weekly menu;
 - (G) An itemized list of materials and equipment available to and used by children;
 - (H) A staff sheet;
 - (I) Sample forms used, other than those supplied by the bureau;
 - (J) Evidence of compliance, if applicable, with local building and zoning requirements;
 - (K) If the facility is incorporated, Articles of Incorporation, Certificate of Incorporation and the annual Certificate of Good Standing (if applicable) as issued by the Missouri secretary of state or appropriate entity if issued in another state;
 - (L) Written policies and procedures which clearly establish job duties, supervisory responsibilities and lines of administrative authority. This shall include a statement of the duties of the licensee, board of directors, facility director, and all staff and volunteers;
 - (M) Verification of the director's education through an official transcript and verification of experience as required by 19 CSR 62.100(4)(B); and
 - (N) Other information required by the bureau to make a determination regarding licensure of the facility.
- (7) Prior to the granting of a license, the following shall be on file at the facility:
- (A) Medical examination reports for staff working in the facility as required by 19 CSR 30-62.100(3);
 - (B) Enrollment information for each child as required by 19 CSR 30-62.130(4);
 - (C) Evidence of background checks for staff as required by 19 CSR 30-62.100(2); and
 - (D) Documentation of staff certification in Infant and Child (pediatric) cardiopulmonary resuscitation (CPR) and first aid as required by 19 CSR 30-62.100(6).
- (8) Prior to the granting of a license, the bureau shall have received:
- (A) An approved fire safety inspection report under section 210.252, RSMo; and
 - (B) An approved sanitation inspection report under section 210.252, RSMo.
- (9) The facility shall not be licensed to provide care for more than four (4) children not related to the owner until it is in compliance with state statutes and licensing rules for group child care homes and child care centers.
- (10) After the bureau has determined the facility is in compliance with state statutes and licensing rules for group child care homes and child care centers, the initial license may be granted for up to two (2) years.
- (11) If there is to be a change of ownership of a facility, the prospective new owner shall submit to the bureau:
- (A) An application for license;

(B) A written statement signed by the buyer(s) and seller(s) specifying the effective date of the change of ownership;

(C) Documentation of background check results, current within six (6) months, for the board chairperson/owner and director;

(D) A staff sheet;

(E) A document describing the structure of the organization's ownership and authority.

(12) Upon receipt of the above information, the bureau may issue a ninety (90)-day license with the same limitations and the same or lesser capacity as the license under the previous ownership.

(13) During the short-term licensing period, the initial licensing investigation shall be completed, and the new owner shall meet the requirements of the current licensing rules.

(14) Any variances or grandfathering provisions granted to the previous owner shall not be transferred to the new owner.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-62.021, 13 CSR 40-62.042 and 19 CSR 40-62.042. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions four hundred eleven thousand seven hundred nine dollars (\$411,709) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities seventy-four thousand seven hundred dollars (\$74,700) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.042 Initial Licensing Process
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$411,709 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (18\%) = \$411,709$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 18% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.042 Initial Licensing Process
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
249	Group Child Care Homes and Child Care Centers	\$74,700.00 annually

III. WORKSHEET

(Number of annual initial approvals) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(249) X (30) X (\$10.00) = \$74,700.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) approved 249 initial licenses for Group Child Care Homes and Child Care Centers in FY04.
2. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the facility director thirty (30) hours to complete the Initial Licensing Process which includes inquiry meetings, filing the initial application, completing all required forms including forms completed by parents, have them signed by parents, submit this information to the BCC, and maintain files at the facility.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers

PROPOSED RESCISSION

19 CSR 30-62.052 License Renewal. This rule defined the procedures for license renewal.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-62.031, 13 CSR 40-62.052 and 19 CSR 40-62.052. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.052, effective Dec. 9, 1993. Changed to 19 CSR 30-62.052 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes

PROPOSED RULE

19 CSR 30-62.052 License Renewal

PURPOSE: This rule defines the procedures for license renewal.

(1) The licensee shall file a completed, signed application for license renewal at least sixty (60) days prior to the expiration of the license.

(2) The application shall be filed with the bureau on a form provided by the department.

(3) The licensee, board chair, limited liability company manager, or designee shall sign the application.

(4) When the application is received, the bureau shall schedule and make the renewal inspection.

(5) In addition, the following information is required before the license shall be renewed:

(A) Evidence of compliance with state fire safety requirements for child care facilities through a fire safety inspection as conducted by the state fire marshal or his/her designee;

(B) Evidence of compliance with state sanitation requirements for child care facilities through a sanitation inspection by the bureau or the bureau's designee;

(C) Evidence of compliance, if applicable, with local building and zoning requirements;

(D) If the facility is incorporated, a copy of the current Certificate of Good Standing (if applicable) as issued by the Missouri secretary of state, or appropriate entity if issued in another state;

(E) Medical examination reports for all adults working at the facility, as required by 19 CSR 30-62.100(3) shall be on file at the facility and available for review;

(F) Medical examination reports shall be on file for all children in care as required by 19 CSR 30-62.120(4)(H), (I) and (J);

(G) Enrollment information for each child shall be on file at the facility as required by 19 CSR 30-62.120;

(H) A current list of available equipment;

(I) Current staff sheet;

(J) Any changes in prior information or documentation submitted for licensing such as policies, forms, etc.; and

(K) Documentation of training as required by 19 CSR 30-62.100(6).

(6) The licensee shall conduct background screenings per 19 CSR 30-62.100(2).

(7) After the bureau has determined the facility is in compliance with state statutes and licensing rules for group child care homes and child care centers, the renewal license may be granted for up to two (2) years.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-62.031, 13 CSR 40-62.052 and 19 CSR 40-62.052. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.052, effective Dec. 9, 1993. Changed to 19 CSR 30-62.052 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions two hundred twenty-eight thousand seven hundred twenty-seven dollars (\$228,727) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred fifty-nine thousand three hundred dollars (\$159,300) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.052 License Renewal
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$228,727 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (10\%) = \$228,727$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 10% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 052 License Renewal
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,062	Group Child Care Homes and Child Care Centers	\$159,300.00 annually

III. WORKSHEET

(Number of annual renewals) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1,062) X (15) X (\$10.00) = \$159,300.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. The licenses are issued for a two (2) year period. Approximately half of these facilities (2,124 X .5 = 1,062) are renewed during each one (1) year time period.
3. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
4. It is estimated that it will take the facility director fifteen (15) hours to complete the License Renewal Process which includes filing the renewal application, completing all required forms including forms completed by parents, have them signed by parents, submit this information to the BCC, and maintain files at the facility.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.2.060 General Licensing Requirements

PURPOSE: This rule defines general requirements for the group child care home and child care center.

(1) The licensee shall be responsible for meeting all debts and obligations incurred by the facility and for maintaining compliance with all licensing rules for group child care homes and child care centers.

(2) When a board of directors is responsible for the operation of a group child care home or a child care center, the bureau shall be notified within fifteen (15) workdays if there is a change of the board president or chairperson. Background check information shall be provided as required by 19 CSR 30-62.100(2).

(3) The license shall not be transferable and shall apply only to the person(s) and address shown on the license.

(4) The number and ages of children the facility is authorized to have in care at any one (1) time and any special conditions shall be specified on the license and shall not be exceeded except as permitted within the rules of this chapter.

(5) All child care provided on the same premises as the licensed facility shall be in compliance with the licensing rules and the conditions specified on the license unless otherwise exempted by the department.

(6) The official license shall be posted near the entrance of the facility where it can be seen easily by parent(s), legal guardian, or legal custodian and others who visit the facility.

(7) The following information shall be posted or displayed in one (1) central area near the license where it can be seen easily by parent(s), legal guardian, or legal custodian and others who visit the facility:

(A) The name(s), address(es) and telephone number(s) of the facility owner(s), or the board president or chairperson, or his/her designee;

(B) The address and telephone number of the local bureau office;

(C) A copy of the facility's most recent state fire safety, sanitation, and bureau inspection reports;

(D) A chart showing the name of the licensee, facility director and the order of staff designated to be in charge in the facility director's absence;

(E) Written notification of any final disciplinary action against the facility;

(F) Documentation of current overlap approval, if applicable; and

(G) Documentation of variance approval, if applicable.

(8) The licensee shall file an application for license amendment to change any information or conditions specified on the license. The change shall not occur until approved by the bureau.

(9) Staff shall permit the bureau representative(s) to have access to the facility, premises and records during all visits. The entire premises shall be subject to inspection.

(10) Upon issuance of the license, the bureau shall inspect the facility throughout the licensing period to monitor compliance with rules and to provide technical assistance. Announced and unannounced inspections shall be made at varying times during the hours child care is provided.

(11) Upon the bureau's receipt of a complaint regarding the facility, an investigation shall be made by the bureau.

(12) Licensing records are public records and may be reviewed by appointment with the bureau as authorized by sections 610.010-610.150, RSMo.

(13) The license shall be subject to revocation by the department upon failure of the licensee to comply with state statutes and licensing rules for group child care homes and child care centers.

(14) If the facility's license is revoked or denied, the department shall not accept a subsequent application from the licensee for the facility within twenty-four (24) months after the effective date of revocation or denial, or within twenty-four (24) months after all appeal rights have been exhausted, whichever is later.

(15) If the facility closes permanently, the licensee shall notify the bureau immediately and shall return the license to the department.

(16) If the license is revoked or not renewed, the licensee shall return the license to the department.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities twenty-one thousand two hundred forty dollars (\$21,240) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.060 General Licensing Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 060 General Licensing Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,124	Group Child Care Homes and Child Care Centers	\$21,240.00 annually

III. WORKSHEET

(Number of annual renewals) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(2,124) X (1) X (\$10.00) = \$21,240.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the facility director one (1) hour to post and update parent and facility information.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**

**Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.065 Indoor Space and Equipment

PURPOSE: This rule sets forth the requirements for the physical plant, furniture, equipment and materials needed in a group child care home or child care center.

NOTE: Current rules with a "grandfather clause" will be identified by the symbol (GF) after the affected rule.

(1) General Requirements.

(A) The physical plant, furniture, equipment and materials shall be clean, in good condition, and safe and suitable for the care of children.

(B) Utilities, including electricity, heating and cooling systems, and sewage and water systems shall be in proper working order.

(C) Within twenty-four (24) hours, the facility shall notify the bureau of any situation that may compromise the health and safety of the children in care such as:

1. Loss of utilities such as electricity or water for more than one (1) hour during child care hours;
2. Failure in heating, air conditioning, and building appliances such as refrigerator, hot water heaters, etc.;
3. Building damage from accidents, natural disaster or fire;
4. Unplanned closing of the facility because of health and safety issues; and
5. Any environmental emergencies present at the facility.

(D) Children shall not have access to areas not approved for child care. Access shall be prevented through the use of approved safety gates, locked doors or other approved devices.

(E) Approved safety gates at stairways and doors shall be provided and used as needed. Accordion gates or tension gates shall not be used at the top of stairs.

(F) Stairways in approved child care space having more than three (3) steps shall have a handrail placed at a height that is thirty-four inches to thirty-eight inches (34"–38") from the steps. (GF)

(G) Porches, decks, lofts, stairwells or other physical plant structures in approved child care space having a drop-off of more than twenty-four inches (24") from which children might fall shall have an approved protective banister, guardrail, or barrier that is at least thirty-six inches (36") high. (GF)

(H) Protective barriers, banisters, or guardrails shall not have any openings greater than three and one-half inches (3 1/2") and shall be constructed in a manner to prevent the child from crawling through, falling through, or becoming entrapped. (GF)

(I) All windows above the first floor level in approved child care space shall be constructed or adapted to limit the window opening accessible to children to less than three and one-half inches (3 1/2") or be otherwise protected with approved guards or barriers to prevent children from crawling through, falling through, or becoming entrapped.

(J) Windows less than twenty-four inches (24") from the floor and clear glass doors located in child care space shall have safety guards (e.g., rails or mesh) or be of safety grade glass or polymer (e.g., Lexan). Clear glass doors shall be equipped with decals or vision strips located at varying heights.

(K) Protective outlet covers or twist-lock outlets shall be used in all areas accessible to the children.

(L) Heaters, floor furnaces, radiators, water heaters, wood stoves, or other heating equipment which pose a threat to children shall be separated from areas used by children by protective guardrails or barriers at least thirty-six inches (36") high that prevent access by children.

riers at least thirty-six inches (36") high that prevent access by children.

(M) Electrical appliance cords, such as microwave or crock pot cords, shall be inaccessible to children.

(N) All flammable liquids, matches, cleaning supplies, poisonous materials, medicines, tobacco products, alcoholic beverages, hazardous personal care items or other hazardous items on the premises shall be inaccessible to children.

(O) Illegal drugs shall be prohibited on the premises.

(P) Bathtubs, buckets, pails or other containers of water shall be immediately emptied after use.

(Q) Strings and cords, such as those found on window coverings, that are long enough to encircle a child's neck shall not be accessible to children.

(R) Firearms, hunting knives, bows and arrows, pellet or BB guns, metal darts, or other weapons on the premises shall be stored in a locked cabinet or a locked closet. Firearms shall be stored with a trigger lock or another device that renders them unusable.

(S) Ammunition on the premises shall be kept in locked storage and inaccessible to children.

(T) Smoking shall be prohibited on the premises during child care hours, when children are being transported, and during field trips.

(U) Artificial or natural lighting routinely shall supply at least thirty (30) foot-candles of light throughout each room used for child care, and at least twenty (20) foot-candles of light in each hallway, stairway, and landing.

(V) The facility shall be dry, temperature controlled, well-ventilated and free of drafts. The temperature of the rooms shall be no less than sixty-eight degrees Fahrenheit (68°F) and no more than eighty-two degrees Fahrenheit (82°F) when measured two feet (2') from the floor.

(W) Any electric fan in the child care area shall be mounted securely on the wall or ceiling out of children's reach or equipped with blade guards that have openings no larger than one-half inch (1/2").

(X) Walls, ceilings and floors shall be clean, in good condition and, free from splinters, cracks, chipping paint, bare concrete, dampness, and drafts. They shall be finished with material which can be cleaned easily.

(Y) All floors in areas measured and counted in determining child care capacity shall be covered with carpet, tile, vinyl flooring, linoleum, an approved sealant, or other approved floor covering. All floor coverings shall be clean and in good condition.

(Z) Rugs that present a sliding or tripping hazard shall not be used.

(AA) Swings or indoor climbing equipment more than twenty-four inches (24") high shall have protective floor pads or mats that effectively cushion the fall of a child. Infant swings are an exception and shall be used only with child safety restraints.

(BB) The licensee shall provide shock absorbing materials beneath swings or indoor climbing equipment. Carpeting alone is not an acceptable resilient surface under indoor equipment.

(CC) A telephone in working order shall be available for incoming and outgoing calls. If a telephone answering system is used, it shall remain turned on so incoming messages can be heard. For the purposes of this rule, a cell phone is not acceptable.

(DD) The emergency 911 telephone number shall be posted near each telephone located in approved child care space. In areas where 911 service is not available, telephone numbers for the police, fire department, poison control, ambulance and other emergency telephone numbers shall be posted near each telephone in approved child care space.

(EE) The facility name, street address and telephone number shall be posted near the telephone.

(2) Play Space Calculations and Use.

(A) General Requirements.

1. At least thirty-five (35) square feet of usable play space shall be provided for each preschool and school-age child in care.

2. Play space shall be measured wall-to-wall from the inside walls of area used for children's activities.

3. To be counted as usable play space, the space must be equipped for and used by the children during all the hours of the facility's operation.

4. Play space shall not include food preparation areas, bathrooms, closets, staff lounges, office space, hallways used exclusively as passageways, or floor space occupied by furniture or shelving not used by the children or for their activities.

5. Space occupied by permanently placed equipment that is used for napping cannot be counted as usable floor space. Napping equipment that is not permanently placed shall not be set up early or left in place to interfere with children's play activities.

6. Storage space for play materials shall be provided. Some of the play materials shall be stored on low shelves that are accessible to the children.

7. Each child shall be provided individual space accessible to the child for storage of clothing and other personal belongings.

8. Space shall be provided for office equipment, the making and keeping of records and for transaction of business.

9. An area for staff breaks shall be provided in the facility separate from child care space.

10. In a facility located in a residence, the area used for child care, including entrances, child care space and bathrooms, shall be separate from the resident's living quarters.

11. The family kitchen of a facility licensed for no more than twenty (20) children, located in a licensee's permanent residence, may be used for food preparation with approval of the sanitarian.

12. If school-age children are in care, there shall be space apart from the preschool program equipped for their use.

13. See rule 19 CSR 30-62.224 for additional rules on infant/toddler space.

(3) Bathrooms.

(A) General Requirements.

1. Toilets and hand washing sinks shall be in working order and conveniently located for children's use and supervision by caregivers.

2. At least one (1) bathroom shall be on each floor used for child care. (GF)

3. At least one (1) flush toilet and one (1) hand washing sink shall be available for every twenty (20) preschool and/or school-age children.

4. At least one (1) potty chair, junior commode or toilet with an adapter seat shall be provided for every four (4) children being toilet trained. Potty chairs shall be located and used in the bathroom and shall be emptied, cleaned and sanitized after each use.

5. Urinals may be substituted for up to one-half (1/2) the required number of toilets, with a minimum of one (1) toilet per bathroom.

6. Hand drying supplies (paper towels or forced air blower), soap and toilet paper shall be provided and easily accessible so the children can reach them without assistance.

7. Locks or latches on bathroom or bathroom stall doors used by children below school age shall be made inoperable.

8. A separate bathroom or bathroom stall shall be available for staff in each building that has a licensed capacity of more than fifty (50) children.

9. Facilities with a licensed capacity of more than twenty (20) children that offer care for school-age children in first grade or above, bathroom facilities shall be provided as follows:

A. Separate girls' and boys' bathrooms may be provided; or

B. When twenty (20) or fewer school-age children are in care, one (1) bathroom may be designated for school-age children.

10. When diaper changing is required for a school-age child, the facility shall ensure the child's privacy and shall meet sanitation requirements in 19 CSR 30-62.090(20).

(4) Diapering Area.

(A) Facilities accepting non-toilet trained children for care in the preschool unit shall have a diapering surface and hand washing sink available in the preschool unit.

(B) Rooms to be used only for the care of two (2) year old children shall have a safe diapering surface and hand washing sink available in the room.

(C) The diapering surface shall be used exclusively for the purpose of changing diapers. Items or materials unrelated to diapering shall not be placed on the diapering surface.

(D) Diapering supplies shall be within the caregiver's reach of the diapering surface.

(E) Hand washing supplies and warm, running water shall be located within eight feet (8') of the diapering surface.

(F) The diapering area and hand washing area shall be separate from any food service area and any food-related materials.

(5) Kitchens.

(A) Unless meals are catered from an approved source, a kitchen for meal preparation shall be provided, equipped and maintained as required by 19 CSR 30-62.090.

(B) Equipment and methods for storing and serving catered foods shall meet requirements in 19 CSR 30-62.090.

(C) A kitchen or meal preparation area shall be separated from all other areas by walls or partitions at least forty-eight inches (48") high or by counters at least thirty-six inches (36") high and by an approved safety gate or door to prevent children's access.

(D) Kitchens shall not be used for children's play activities unless the activities are part of the learning program and the children are supervised by adults.

(E) Kitchens shall not be used for napping or as passageways for children.

(6) Indoor Furniture and Equipment.

(A) General Requirements.

1. All furniture, play materials and equipment shall be clean, constructed safely, free of entrapment or choking hazards, in good condition and free of sharp, loose or pointed parts and chipped or peeling paint.

2. Only lead-free paint, stain or other products shall be used.

3. All furniture and equipment shall be arranged to provide a clear passage to all exits. Exits shall not be blocked.

(B) Sleeping Equipment.

1. An individual cot, bed, or mat shall be provided by the facility and used for each preschool-age child who is in care for more than four (4) hours per day and for each school-age child who naps.

2. Upper levels of bunk beds shall not be used.

3. Napping or sleeping equipment shall be appropriate and sized to accommodate the child.

4. Mats may be used provided that:

A. They have a nonabsorbent, cleanable surface or coverings;

B. They are long enough so the child's entire body can rest on the mat.

5. An individually assigned sheet to cover the napping surface and a blanket shall be available and used for each child.

6. Bedding shall be changed immediately when soiled or wet.

7. If pillows are used by preschool/school-age children, they shall be individually assigned.

8. All bedding shall be clean and shall be laundered at least once a week. Once bedding has been used by a child, it shall not be used by another child until it has been laundered.

9. Each child's individual bedding shall be stored separate from the bedding and napping equipment used by other children.

10. Napping equipment shall be stored so that the sleeping surface is not in contact with the sleeping surface of other napping equipment unless sanitized before each use.

11. Sleeping equipment shall be arranged to provide at least a two foot (2') aisle on one (1) long side of the equipment.

(7) Tables and Seating Equipment.

(A) Individual chairs and sufficient table space for the licensed capacity of the facility shall be available for children twenty-four (24) months of age and older.

(B) Chairs shall be proportioned so children's feet are firm on the floor when they are sitting back as far as possible on the chair.

(C) The table height shall be appropriate for the children's use.

(D) Benches and picnic tables may be used for seating.

(E) Children shall be seated at a table during meal times.

(8) Indoor Play Equipment and Materials.

(A) General Requirements.

1. Play equipment and materials shall be clean and in good condition with all parts intact, and accessible to and used by children.

2. Play equipment and materials shall be replaced as needed to maintain the number of items required for the licensed capacity of the facility.

3. Sets of toys, such as Legos or blocks, shall count be as multiple items according to the number of children for which the set is designed.

4. Toys, parts of toys or other materials that present a choking hazard shall not be accessible to children three (3) years of age or younger. The facility shall have a choke prevention measuring device available to determine if an object is small enough to be swallowed.

(B) Preschool and School-Age Children.

1. Children twenty-four (24) months of age and older shall have age-appropriate toys, books, creative materials and activities which provide opportunities for individual choices.

2. A minimum of fifty (50) approved items shall be required for every ten (10) children in the licensed capacity of the facility. The fifty (50) items shall include at least five (5) items from each of the following categories:

A. Blocks, construction and transportation toys;

B. Manipulatives;

C. Creative arts;

D. Large muscle activities;

E. Library and language activities;

F. Music and rhythm activities;

G. Dramatic and housekeeping play; and

H. Science activities or sensory experiences.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities \$3,226,860 annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.065 Indoor Space and Equipment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.065 Indoor Space and Equipment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
259 New Facilities 2, 124 Existing Facilities	Group Child Care Homes and Child Care Centers	\$3,226,860.00 annually

III. WORKSHEET

(Number of affected facilities) X (Average cost of Modifications) = Building Modification Aggregate

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Monitoring Aggregate

(Number of affected facilities) X (Cost of indoor equipment) = Equipment Aggregate

Monitoring Aggregate + Modification Aggregate + Equipment Aggregate = Total Aggregate Cost

(249) X (\$4,300) = \$1,070,700 (Modifications)

(249) X (20) X (\$10.00) = \$49,800 (Monitoring)

(2,124) X (4) X (\$10.00) = \$84,960 (Monitoring)

(249) X (\$3000) = \$747,000 (Equipment)

(2,124) X (\$600) = \$1,274,400 (Equipment)

Total = \$3,226,860.00

IV. ASSUMPTIONS

1. This proposed rule in regards to Group Child Care Homes and Child Care Center modifications will not affect the 2,124 currently licensed Group Child Care Homes and Child Care Centers per provisions allowed in the "Grandfather Clause".
2. BCC estimates 249 new Group Child Care Homes and Child Care Centers will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for Group Child Care Homes and Child Care Centers over the past twelve (12) months.
3. BCC estimates that each of the 249 newly licensed Group Child Care Homes and Child Care Centers will require safety improvements to their ceiling, walls or floor covering rules and the "available phone" rule in this section. It is estimated that the cost of improvements to walls, ceilings and floors will be \$600 and the cost of making a phone available will be \$400.

4. BCC estimates that each of the 249 newly licensed Group Child Care Homes and Child Care Centers will require building modifications to comply with rules for handrails, protective barriers, number of bathroom stools and sinks at a cost of \$200 per facility for handrails/barriers and \$3,100 for bathroom and plumbing modifications.
5. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
6. BCC estimates the facility directors of initially licensed Child Care Homes and Child Care Centers will spend twenty (20) hours to oversee, plan and monitor these rule requirements.
7. BCC estimates the facility directors of currently licensed Child Care Homes and Child Care Centers will spend four (4) hours to oversee, plan and monitor these rule requirements.
8. BCC estimates that the initially licensed Group Child Care Homes and Child Care Centers Group Child Care Homes and Child Care Centers will spend approximately \$3000 to comply with indoor equipment requirements. (This estimate is based on a normal purchasing process. A facility could spend a dramatically smaller amount by utilizing used equipment or by providing a less costly type of equipment choices.)
9. BCC estimates that currently licensed Child Care Homes and Child Care Centers will spend approximately \$600 to comply with the increased indoor equipment requirements.
10. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.070 Outdoor Space and Equipment

PURPOSE: This rule sets forth the requirements for the outdoor space, equipment and materials needed in a group child care home or child care center.

NOTE: Current rules with a "grandfather clause" will be identified by the symbol (GF) after the affected rule.

(1) General Requirements.

(A) The outdoor space, furniture, equipment and materials accessible to children shall be safe and suitable for the care of children.

(B) Children shall not have access to areas not approved for child care, such as storage sheds. Approved safety gates or locked doors may be required. Accordion gates or tension gates shall not be used at the top of stairs.

(C) Stairways in approved outdoor child care space shall be free of obstructions.

(D) Stairways in approved outdoor child care space having more than three (3) steps shall have a handrail placed at a height that is thirty-four inches to thirty-eight inches (34"-38") from the steps. (GF)

(2) Outdoor Space.

(A) A fenced outdoor play area shall be available and shall be used for the children's outdoor play at the facility.

(B) A minimum of seventy-five (75) square feet of outdoor play area per child at the time of use shall be provided. A sufficient area shall be available to accommodate one-third (1/3) the licensed capacity of the facility at one (1) time, with no less than seven hundred fifty (750) square feet.

(C) Children shall be able to enter the fenced play area directly from the approved indoor child care space. (GF)

(D) The fenced play area shall be free of hazards such as swimming and wading pools, lakes, ponds, lagoons, ditches, excavations, landscaping ponds, fountains, and other bodies or containers of water unless such hazards are fenced separately to prevent access by children.

(E) The play area shall be maintained in a clean and safe condition for children's activities, and shall be free of tripping hazards, trash, animal excrement, broken glass, construction materials, dilapidated buildings, toxic plants, or other debris.

(F) The play area fence shall be at least forty-eight inches (48") high and shall be permanently installed. (GF)

(G) Openings in the fence shall be no greater than three and one-half inches (3 1/2") with the fence designed to prevent children from climbing, crawling or falling through, or becoming entrapped. (GF)

(H) The fence shall be in good condition, with a gate that allows emergency exit from the outdoor play area.

(I) Gates shall be equipped with self-closing and positive self-latching closure mechanisms.

(J) Caregivers shall inspect the outdoor play area and equipment daily for hazards before child care use.

(K) Retaining walls, terracing, porches, decks or other structures that have a drop-off of more than twenty-four inches (24") from which children might fall and be injured shall have an approved barrier installed. The barrier shall be at least thirty-six inches (36") high and shall be constructed to prevent children from climbing, crawling or falling through, or becoming entrapped. Openings in the barrier shall be no greater than three and one-half inches (3 1/2").

(L) Air conditioner units shall be free of hazards such as exposed wiring or fan blade guards with openings more than one-half inch (1/2"). Air conditioner units that are a hazard shall be barricaded by a forty-eight inch (48") fence.

(M) The play area shall have good drainage.

(N) The play area shall be arranged so all areas are visible to the caregivers at all times. (GF)

(O) Equipment used for climbing shall not be placed over, or immediately next to, hard surfaces such as asphalt, concrete, or dirt.

(P) There shall be a fall-zone area under and around, swings and outdoor climbing equipment over twenty-four inches (24") in height from which children might fall and be injured.

(Q) The fall-zone area shall be covered with shock absorbing materials which will effectively cushion the fall of a child. This material may include sand, pea gravel, tanbark, shredded tires, wood chips, rubber matting or other approved shock absorbing material.

(R) Areas under and around outdoor equipment shall have maintenance prior to use to ensure that the shock absorbing material remains in place and retains its cushioning properties. The shock absorbing material shall be supplemented immediately or replaced as needed.

(S) Concrete, asphalt, carpet, grass or bare soil are not acceptable shock absorbing surfaces under outdoor equipment from which children might fall and be injured.

(3) Outdoor Play Equipment and Materials.

(A) Equipment sufficient for the ages and number of children in outdoor play at any one time shall be provided and used.

(B) Caregivers shall instruct and supervise children in the safe use of the equipment.

(C) All equipment shall be of safe design and construction, in good condition, free of sharp, loose or pointed parts. Only lead-free paint, stain or other lead-free or non-toxic products shall be used.

(D) All newly added or replaced equipment shall be free of CCA treated lumber (lumber treated with a pressurized solution containing copper chromates and arsenic). (GF)

(E) Equipment shall not pose a risk of entrapment or strangulation. A play structure shall have no openings between three and one-half inches (3 1/2") and nine inches (9").

(F) Stationary equipment such as swings, slides and climbers shall be securely anchored so that it does not tip or overturn.

(G) Equipment shall be constructed to permit drainage.

(H) Stationary equipment shall not have exposed footings.

(I) All equipment shall be placed to avoid accidents or collisions.

(J) All stationary equipment shall have a minimum of six feet (6') clearance space from other stationary equipment, walkways, fences, buildings and other structures. (GF)

(K) Any part of the equipment from which children might fall shall not be more than six feet (6') in height.

(L) Equipment with parts that might pinch or crush children's hands or fingers shall not be used unless the parts which pose a threat to children have guards or covers.

(M) Protrusions such as pipes or wood ends that may catch a child's clothing are prohibited.

(N) "S" hooks shall be pinched together to prevent catching children's skin or clothing and to prevent swing chains from disengaging from their supports.

(O) Children's swings shall have lightweight seats of rubber, plastic, canvas or nylon.

(P) Multiple occupancy swings, gliders, animal figure swings, and swinging gates shall be prohibited.

(Q) Exposed bolts and screws shall be securely tightened and shall be recessed into the frame, covered or filed to avoid sharp edges.

(R) Ropes, loops or any hanging apparatus that might entrap, close or tighten upon a child shall not be permitted.

(S) Jump ropes shall be used only as intended and with adult supervision.

(T) Climbing ropes shall be anchored at top and bottom.

(U) Sand boxes and other areas designated for sand play shall be:

1. Enclosed to contain the sand and covered with a lid or other covering when they are not in use;
2. Kept free from animal excrement and other toxic or harmful debris; and
3. Cleaned and refilled as needed.

(V) Trampolines shall be prohibited and shall not be used in approved child care space, indoor or outdoor.

(W) Mini-trampolines, aerobic bouncers or other similar small jumping equipment may be used with close supervision.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities nine hundred forty-four thousand seven hundred sixty dollars (\$944,760) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Portis, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.070 Outdoor Space and Equipment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.070 Outdoor Space and Equipment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
259 New Facilities 2, 124 Existing Facilities	Group Child Care Homes and Child Care Centers	\$944,760.00 annually

III. WORKSHEET

(Number of affected facilities) X (Average cost of Modifications) = Building Modification Aggregate

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Monitoring Aggregate

(Number of affected facilities) X (Cost of indoor equipment) = Equipment Aggregate

Monitoring Aggregate + Modification Aggregate + Equipment Aggregate = Total Aggregate Cost

(249) X (\$1,400) =	\$348,600 (Modifications)
(2124) X (\$100) =	\$212,400 (Modifications)
(249) X (20) X (\$10.00) =	\$49,800 (Monitoring)
(2,124) X (4) X (\$10.00) =	\$84,960 (Monitoring)
(249) X (\$1000) =	\$249,000 (Equipment)

Total = \$944,760.00

IV. ASSUMPTIONS

1. This majority of this proposed rule for Group Child Care Homes and Child Care Center modifications will not affect the 2,124 currently licensed Group Child Care Homes and Child Care Centers per provisions allowed in the "Grandfather Clause".
2. BCC estimates 249 new Group Child Care Homes and Child Care Centers will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for Group Child Care Homes and Child Care Centers over the past twelve (12) months.
3. BCC estimates that each of the 249 newly licensed Group Child Care Homes and Child Care Centers will require outdoor fencing and resilient surfacing modifications. It is estimated that the cost of fencing will average \$800 per facility and the average cost of resilient surfacing to be \$400.

4. BCC estimates that each of the 249 newly licensed Group Child Care Homes and Child Care Centers will require building modifications to comply with rules for handrails and protective barriers at a cost of \$200 per facility.
5. BCC estimates that the 2,124 currently licensed Group Child Care Homes and Child Care Centers will require building modifications to comply with rules for protective barriers at a cost of \$100 per facility.
6. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
7. BCC estimates the facility directors of initially licensed Child Care Homes and Child Care Centers will spend twenty (20) hours to oversee, plan and monitor these rule requirements.
8. BCC estimates the facility directors of currently licensed Child Care Homes and Child Care Centers will spend four (4) hours to oversee, plan and monitor these rule requirements.
9. BCC estimates that the initially licensed Group Child Care Homes and Child Care Centers Group Child Care Homes and Child Care Centers will spend approximately \$1000 to comply with outdoor equipment requirements. (This estimate is based on a normal purchasing process. A facility could spend a dramatically smaller amount by utilizing used equipment or by providing a less costly type of equipment choices.)
10. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.075 Swimming Pools, Wading Pools and Hot Tubs

PURPOSE: This rule sets forth requirements for the maintenance, operation and use of swimming pools, wading pools and hot tubs.

(1) Children shall not have unsupervised access to swimming and wading pools.

(2) Swimming and wading pools used by children shall be constructed, maintained in good condition, and used in a manner that safeguards the lives and health of children.

(3) If in-ground swimming pools, aboveground swimming pools less than forty-eight inches (48") in height, and/or wading pools are located within the children's fenced outdoor play area, they shall be fenced separately to prevent children's access. The separately fenced area shall not be used as a passageway by children to other child care areas.

(4) Any fence used to restrict children's access to a swimming or wading pool shall be at least forty-eight inches (48") high, shall have a key or combination locked gate, and shall be constructed to prevent a child from climbing into the pool. (GF)

(5) Aboveground pools shall have non-climbable side walls that are at least forty-eight inches (48") high or shall be enclosed by a fence that is at least forty-eight inches (48") high with a key or combination locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to assure they cannot be accessed.

(6) If an aboveground pool is required to be fenced, a forty-eight inch (48") fence around the top of the pool may be used.

(7) A wall of the facility shall not constitute one side of the fence unless the wall prevents direct access to the pool.

(8) Pool chemicals shall be in a locked area inaccessible to the children and shall not be added to the pool when children are in the pool area.

(9) Children using any swimming or wading pool shall receive constant direct supervision.

(10) The caregiver to child ratio required in 19 CSR 30-62.112(6) shall be doubled for the children using any swimming or wading pool.

(11) Caregivers shall instruct children who use swimming or wading pools about water safety.

(12) An adult with a current lifeguard training certificate, including infant/child cardiopulmonary resuscitation (CPR) training, shall be on duty by the pool at all times when a swimming or wading pool containing a water depth of more than forty-eight inches (48") is being used.

(13) An adult who has completed a course in basic water safety and current infant/child CPR shall be on duty by the pool when a swimming or wading pool containing a water depth of forty-eight inches (48") or less is being used.

(14) The facility shall post the location of the pool pump and filtration system with emergency shut-off instructions in clear view near the pool entrance.

(15) All caregivers shall be aware of the location of the pool's pump and filtration system and shall be able to turn the system off in the event of an emergency.

(16) Caregivers shall have immediate access to a working telephone located at the pool.

(17) Hot tubs shall not be used by children.

(18) A hot tub shall have an approved, locked hard cover in place at all times that children are in care, or the hot tub shall be enclosed by a fence that is at least forty-eight inches (48") high, which is constructed to prevent a child from climbing into the hot tub area and which has a locked gate. (GF)

(19) Indoor pools and hot tubs shall be in a locked, restricted area that does not allow access by children.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twenty-two thousand eight hundred seventy-three dollars (\$22,873) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities sixty-five thousand dollars (\$65,000) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.075 Swimming Pools, Wading Pools and Hot Tubs
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$22,873 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (1\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 1% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.075 Swimming Pools, Wading Pools and Hot Tubs
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
20 New Facilities 80 Existing Facilities	Group Child Care Homes and Child Care Centers	\$65,000.00 annually

III. WORKSHEET

(Number of affected facilities) X (Average cost of Modifications) = Building Modification Aggregate

(Number of affected facilities) X (Average Staffing Cost) = Staffing Cost Aggregate

(Staffing Cost Aggregate + Modification Aggregate = Total Aggregate Cost

(20) X (\$400) = \$8,000 (Modifications)

(80) X (\$720) = \$57,600 (Staffing)

Total = \$65,000.

IV. ASSUMPTIONS

1. This majority of this proposed rule for Group Child Care Homes and Child Care Center modifications will not affect the 2,124 currently licensed Group Child Care Homes and Child Care Centers per provisions allowed in the "Grandfather Clause".
2. BCC estimates 249 new Group Child Care Homes and Child Care Centers will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for Group Child Care Homes and Child Care Centers over the past twelve (12) months.
3. BCC estimates that each of the 249 newly licensed Group Child Care Homes and Child Care Centers will require outdoor fencing and resilient surfacing modifications. It is estimated that the cost of fencing will average \$400 per facility. (Note that swimming pools are provided at the choice of the provider. These costs are based the requirements should the provider opt to have a swimming pool, wading pool or hot tub.)
4. BCC estimates that of the 249 newly licensed Group Child Care Homes and Child Care Centers approximately 10 will chose to have swimming pools, wading pools or hot tubs.
5. BCC estimates that of the 2,124 currently licensed Group Child Care Homes and Child Care Centers approximately 80 facilities have swimming pools, wading pools or hot tubs.

6. Caregiver's annual salary is estimated at \$12,600 per year (\$6.00 per hour).
7. BCC estimates the cost of meeting the increased staffing requirements of this rule will be approximately \$720 per year. (120 hours of usage X \$6.00/hour)
8. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.080 Animals

PURPOSE: This rule sets forth the requirements if animals are present at a group child care home or child care center.

(1) Animals that exhibit aggressive behavior (such as growling, nipping or biting), or animals that may otherwise pose a health or safety threat shall not be permitted on the premises or shall be securely penned at all times in a manner that prevents any access by the children.

(2) Caregivers shall instruct children regarding safe, appropriate interaction with and treatment of animals.

(3) Caregivers shall supervise contact between animals and children and shall remove the child immediately if the animal shows signs of distress or the child shows signs of treating the animal inappropriately.

(4) If an animal bites or otherwise injures a child, these requirements shall be met:

(A) The caregiver shall follow appropriate emergency procedures and notify the child's parent(s), legal guardian, or legal custodian as specified in 19 CSR 30-62.120(4);

(B) The caregiver shall immediately report the incident to the county health department. If possible, the caregiver shall restrain the animal for observation by authorities; and

(C) Within twenty-four (24) hours, the facility shall report the incident to the bureau and to the parent(s), legal guardian, or legal custodian of the other children.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twenty-two thousand eight hundred seventy-three dollars (\$22,873) annually in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.080 Animals
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$22,873 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (44\%) \times (1\%) = \$22,873$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 1% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Care Day Centers

PROPOSED RESCISSION

19 CSR 30-62.082 Physical Requirements of Group Day Care Homes and Day Care Centers. This rule defined the requirements for the physical plant and indoor and outdoor space.

PURPOSE: The Department of Health and Senior Services has addressed these requirements in another revised rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-62.071, 13 CSR 40-62.082 and 19 CSR 40-62.082. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.082, effective Dec. 9, 1993. Changed to 19 CSR 30-62.082 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers

PROPOSED RESCISSION

19 CSR 30-62.087 Fire Safety. This rule established the fire safety requirements for group day care homes and child care centers.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. Original rule filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City,

MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes

PROPOSED RULE

19 CSR 30-62.087 Fire Safety Requirements

PURPOSE: This rule establishes the fire safety requirements for group child care homes and child care centers.

- (1) The following definitions shall be used in interpreting this rule:
 - (A) Alterations are changes made to the structure or floor plan of the facility by removing or adding walls and doors or adding space;
 - (B) Commercial stove/range is a stove or range top, larger than a residential stove or range top that has more than four (4) burners or elements and/or a cooking griddle or grill or that is rated as commercial by the manufacturer;
 - (C) Dead-end is a corridor or hallway with no exit at the end that causes occupants to retrace their path to reach an exit;
 - (D) Exit is the portion of a means of egress that is separated from all other areas of the building or structure by construction or equipment required to provide a protected way of travel to the exit discharge. Exits include exterior exit doors, exit passageways, horizontal exits, separated exit stairs, and separated exit ramps;
 - (E) Exit access is the portion of a means of egress that leads to an exit;
 - (F) Exit discharge is the portion of a means of egress between the termination of an exit and a public way;
 - (G) Fire barrier is a structural element, either vertical or horizontal, such as a wall or floor assembly that is designed and constructed with a specified fire resistance rating to limit the spread of fire and restrict the movement of smoke. Such barriers may have protected openings;
 - (H) Fire door is a combination of the fire door, frame, hardware and other accessories that together provide a specific degree of fire protection to the opening;
 - (I) Fire resistance rating is the length of time in minutes or hours that materials or structural elements can withstand fire exposure;
 - (J) Flame resistant material is the property of material or their structural elements that prevents or retards the passage of excessive heat, hot gases, or flames under the conditions in which they are used;
 - (K) Flame retardant is a chemical applied to material or other substance that is designed to retard ignition or the spread of fire;
 - (L) Full coverage fire alarm system is a system that includes, but is not limited to, pull stations at each exit, smoke detectors, heat detector, horn/strobes, and a control panel with battery backup;
 - (M) Interior finish includes the interior wall and ceiling finish, and interior floor finish;
 - (N) Level is the portion of a building included between the upper surface of a floor and the ceiling above it, or any upper surface of a floor and the ceiling above it that is separated by more than five (5) steps on a stairway or ramp of comparable distance;
 - (O) Level exit discharge is a horizontal plane that is located from the point at which an exit terminates and the exit discharge begins. The horizontal plane shall not vary more than two inches (2") in rise or fall;
 - (P) Means of egress is a continuous and unobstructed way of travel from any point in a building or structure to a public way. A means

of egress consists of three (3) distinct parts: the exit access, the exit, and the exit discharge;

(Q) Mixed occupancy is when a facility is located in the same building or structure as another occupancy. This may include a business or place of assembly;

(R) Public way is a street, alley, or other similar parcel of land essentially open to the outside air deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width and height of not less than ten feet (10');

(S) Remote exit or means of egress is when two (2) exits or two (2) exit access doors are required. Each exit or exit access door shall be placed at a distance apart equal to at least one-half (1/2) the length of the maximum overall diagonal dimension of the building or area to be used;

(T) Self-closing means to be equipped with an approved device that will ensure closing after having been opened;

(U) Smoke barrier is a structural element, either vertical or horizontal, such as a wall, floor, or ceiling assembly that is designed and constructed to restrict the movement of smoke. A smoke barrier may or may not have a fire resistance rating;

(V) Supervised automatic sprinkler system is an approved sprinkler system with the initiating devices monitored by the fire alarm control panel. Initiating devices may include switches used to monitor the position of valves, a low air pressure switch, a water flow switch, and a tamper switch.

(2) General Requirements.

(A) The Missouri Division of Fire Safety shall inspect the facility annually for the capacity specified on the license application and the fire inspection request. The inspection shall include a determination of whether or not the facility is approved for overlap care as provided in 19 CSR 30-62.162 Overlap Care of Children.

(B) Hangings or draperies shall not be placed over exit doors or located to conceal or obscure any exit. All hangings and draperies shall be treated with a flame retardant material with verification of the treatment on file at the facility and available for review by the fire inspector. Exception: valance or cloth material directly above a window that is not within reach of a child.

(C) Mirrors shall not be placed on exit doors or adjacent to any exit that may confuse the direction of exit.

(D) Art work and teaching materials attached directly to the walls shall not exceed thirty percent (30%) of the wall area. No artwork, combustible materials or teaching materials shall be hung from the ceilings or in the doorways.

(E) An evacuation/emergency plan for fires and tornadoes that is approved by the fire inspector shall be posted conspicuously in each area of the building used for child care and shall clearly show the route(s) for evacuation and cite special instructions for infants and nonambulatory children.

(F) Child care staff shall conduct at least one (1) fire drill each month and a disaster drill at least every three (3) months. The disaster drills shall include tornado drills. The facility director shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building, and number of children present during the drill.

(G) Unscheduled fire drills may be held at the fire inspector's discretion.

(H) A full evacuation of the facility may be postponed during inclement weather.

(I) The fire alarm system in the building shall be activated during all fire drills.

(J) Fire drills shall be conducted as follows:

1. Drills shall simulate an actual fire condition;
2. The children shall not obtain clothing or other items after the alarm has sounded;
3. The children shall proceed to a predetermined location outside the building that is sufficiently remote to avoid fire danger, inter-

ference with fire department operations, or confusion among different groups of children; and

4. Groups shall remain in place until a recall to the building is issued or the children are dismissed.

(K) Children shall have no access to areas of the building that do not meet fire safety requirements.

(L) All flammable or combustible liquids, matches, lighters, or other hazardous items shall be stored so they are inaccessible to the children.

(M) The house or building address numbers shall be plainly visible from the street in case of emergency.

(N) Housekeeping practices that ensure fire safety shall be maintained daily.

(O) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(P) The facility director shall immediately report any fire on the premises to the Office of the State Fire Marshal and the Department of Health and Senior Services, Bureau of Child Care.

(Q) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the fire inspector.

(R) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(S) Before construction or alterations begin or occupancy occurs, a full set of construction plans shall be submitted to the Missouri Division of Fire Safety for review and approval for new construction and for alterations to existing buildings. Fire safety rules and regulations in effect at the time of the plan review shall prevail.

(T) During the construction or remodeling process, the licensee shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system and automatic sprinkler system, if applicable, by the Division of Fire Safety before the walls are enclosed. Failure to have these inspections conducted will result in the Division of Fire Safety being unable to approve the child care space.

(U) Mobile homes manufactured after November 27, 1973 shall comply with the Missouri Public Service Commission, regulations for mobile home tie-down systems. Manufactured homes shall comply with section 700.070, RSMo 2000, regarding tie-down systems.

(V) All facilities shall comply with all local building codes, fire codes, and ordinances.

(W) The 2003 edition of the National Fire Protection Association (NFPA), Chapter 101, *Life Safety Code*, shall prevail in the interpretation of this rule.

(X) When the licensed capacity increases, hours of care change, alterations are completed, or other changes occur that affect fire safety, the licensee shall meet all the requirements of this rule unless otherwise accepted by the Division of Fire Safety.

(Y) Facilities that were licensed and areas approved for child care prior to September 30, 1999 shall have ceilings at least seven feet (7') in height.

(Z) Facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall have ceilings at least seven feet, six inches (7'6") in height.

(AA) If alterations are made in facilities licensed on or after September 30, 1999, these facilities shall have ceilings at least seven feet, six inches (7'6") in height in the altered space. The fire inspector may make an allowance for the installation of ductwork and plumbing.

(BB) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership and a com-

pleted Fire Department Notification Form shall be on file at the facility and available for review.

(CC) Clothes dryers shall be vented and maintained properly.

(DD) Candles and oil lamps shall not be used during child care hours.

(3) Mixed Occupancies.

(A) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall meet the following requirements. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet these requirements in the altered space.

1. When a facility is located in a building containing mixed occupancies, the other occupancies shall be separated from the facility by at least a one (1)-hour fire barrier;

2. In facilities in apartment buildings, when both exit accesses exit into the same corridor, the corridor shall be protected throughout by a fire barrier with at least a one (1)-hour fire resistance rated construction. All doors that open into the corridor shall have a one (1)-hour fire resistance rating and shall be self-closing.

3. No facility shall be located next to a high hazard area or occupancy. A high hazard area or occupancy is an area, building, structure, or portions thereof, that contains heat-producing appliances, or that manufactures, processes, generates or stores materials that constitute a high fire, explosion, or health hazard. This includes any area, structure, or building posing a degree of hazard greater than normal to the general occupancy of the area, structure, or building.

(4) Exiting and Means of Egress.

(A) Each level occupied by children shall have at least two (2) remotely located means of egress. Each door opening in a means of egress shall be at least twenty-eight inches (28") wide. In new construction, each door opening shall be a minimum of thirty-six inches (36") wide.

(B) No room or space that is accessible only by a ladder, folding stairs, overhead door, or through a trap door shall be occupied at any time.

(C) Exit doors shall swing in the direction of egress travel and shall be marked with a lighted exit sign with a battery backup of ninety (90) minutes.

(D) Exit doors required to be kept closed shall be self-closing.

(E) Any door in a required means of egress from a facility having an occupant load of one hundred (100) or more children, or any facility caring for children during nighttime hours, shall be equipped with panic hardware or fire exit hardware. No other latching devices shall be used.

(F) No door in a means of egress shall be locked against egress travel when the building is occupied. Locking devices that impede or prohibit egress or that cannot be disengaged easily shall not be used. Dead bolt locks that require a key to unlock the door from the inside shall not be used. Locking or latching devices installed on doors shall not be located higher than fifty inches (50") above the finished floor.

(G) Closet door latches shall be designed so children can open the doors from the inside. Bathroom door locks shall be designed to permit opening of the door from the outside in an emergency. The opening device or key shall be readily accessible to the staff.

(H) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall have emergency lighting with a ninety (90)-minute battery backup installed to light the path of egress. The fire inspector shall determine the location and number of emergency lights. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet this requirement in the altered space.

(I) Stairways, landings, and ramps shall be free of all objects.

(J) Children shall not exit through a kitchen, bathroom, storage room, furnace room, garage, or any other rooms or areas deemed hazardous by the fire inspector.

(K) Children shall not pass through more than one (1) adjoining room to gain access to an exit door that leads directly outside.

(L) Dead-ends as defined by 19 CSR 30-62.087(1)(C) Fire Safety shall not exceed twenty feet (20').

(M) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall meet the following requirements. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet these requirements in the altered space.

1. Stairs in facilities with fifty (50) or more children shall be at least forty-four inches (44") wide. Stairs in facilities with less than fifty (50) children shall be at least thirty-six inches (36") wide.

A. The maximum height of risers shall be seven inches (7") with a minimum height of four inches (4").

B. The minimum tread depth shall be ten inches (10").

C. The minimum height from any tread to the finished ceiling shall be six feet, eight inches (6' 8").

D. The maximum height between landings shall be no more than twelve feet (12').

E. Landings shall be as wide as the clear width of the stairs.

2. Handrails shall not project into the stairway more than three and one-half inches (3 1/2") on each side.

A. Handrails shall be mounted at least thirty-four inches (34"), and no more than thirty-eight inches (38"), above the surface of the treads. They shall have a clearance of at least one and one-half inches (1 1/2") from the wall. Handrails shall be at least one and one-half inches (1 1/2"), but no greater than two inches (2") in diameter.

B. Stairs with no walls on either side shall have balusters placed on the sides. There shall be no more than three and one-half inches (3 1/2") between each baluster. They shall be attached to the stairs in compliance with building codes.

3. Ramps used in an exit discharge shall be at least forty-four inches (44") wide if the facility has fifty (50) or more children. They shall be at least thirty-six inches (36") wide if the facility has less than fifty (50) children.

A. Ramps greater than six inches (6") in height shall have a maximum slope of one inch (1") drop for twelve inches (12") of run. Ramps less than six inches (6") in height shall have a maximum slope of one inch (1") drop for ten inches (10") of run.

B. Ramps greater than six inches (6") in height shall have handrails and balusters placed on each side.

C. Ramps shall have a slip-resistant surface.

4. The elevation of interior floor surfaces through doorways shall not present a tripping hazard.

(N) Facilities caring for children under the age of twenty-four (24) months shall have two (2) means of egress out of each room that is dedicated for this age group. One (1) means of egress shall lead directly outside at ground level exit discharge. Both exit doors shall be a minimum of thirty-six inches (36") wide or wider to accommodate the largest crib in the room. The exterior exit door(s) shall swing in the direction of egress travel. The direct exit outside is not required if the entire facility is protected throughout by an approved supervised automatic sprinkler system.

(O) Children over the age of twenty-four (24) months shall not pass through more than one (1) adjoining room to gain access to an exit door or exit access corridor that leads directly outside.

(P) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after the effective date of this rule shall meet the following requirements:

1. No child care is allowed above the second floor in any facility;

2. All infant/toddler room(s) shall be located on the first floor with ground level exit discharge or within walkout basements. Exception: Building protected by an approved supervised automatic sprinkler system;

3. The second exit from the infant/toddler room(s) shall be located on the same floor as the infant/toddler room(s) and shall not pass through more than one (1) adjoining room to gain access to this exit or an exit access corridor. Access to this exit shall be made without having to navigate stairs or other objects that would slow evacuation time;

4. Travel distance within the infant/toddler room(s) to an exit access door shall not exceed fifty feet (50'). If the travel distance is more than fifty feet (50'), additional exit access door(s) shall be installed within the room as indicated by the fire inspector. An approved ramp shall be required if the elevation between the exit and exit discharge is greater than six inches (6").

(5) Level of Exit Discharge.

(A) Areas used for child care shall not be located more than one (1) level below ground level.

(B) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall meet the following requirements. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet these requirements in the altered space:

1. Where children are occupying a level below or above the level of exit discharge (basement or second floor), at least one (1) means of egress shall be an exit discharging directly to the outside. The vertical travel to ground level shall not exceed eight feet (8') for the basement and twelve feet (12') for the second floor; and

2. Where children are occupying a level below or above the level of exit discharge (basement or second floor), arrangement of means of egress shall be remote from each other.

(6) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access and an exit shall not exceed one hundred feet (100'). This travel distance may be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the fire inspector based on the National Fire Protection Association's Standards for Sprinkler Systems.

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150'). This travel distance may be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the fire inspector based on the National Fire Protection Association's Standards for Sprinkler Systems.

(C) The travel distance between any point in a sleeping room and an exit access to that room shall not exceed fifty feet (50').

(7) Windows for Rescue and Ventilation.

(A) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall meet the following requirements. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet these requirements in the altered space.

1. Every room or space greater than three hundred (300) square feet used by children shall have at least one (1) outside window for emergency rescue and ventilation. The window shall be operable from the inside without the use of tools and shall provide a clear opening of at least twenty inches (20") wide, twenty-four inches (24") in height. The total clear opening space shall be no less than 5.7 square feet in size. The bottom of the opening shall be no more than forty-four inches (44") above the floor and any latching device shall be operated easily. The clear opening shall be a rectangular solid, with a minimum width and height that provides the required

5.7 square feet opening and a minimum depth of twenty inches (20") to allow passage through the opening. The windows shall be accessible by the fire department and shall open into an area having access to a public way. This does not apply in the following situations:

A. In buildings protected throughout by an approved, supervised automatic sprinkler system; or

B. When the room or space has a door leading directly to the outside of the building.

(B) No windows shall have bars or any other items placed over them in a stationary manner that would impede a rescue or evacuation attempt.

(8) Protection.

(A) The door between the main level and any level below or above it shall be equipped with a one (1)-hour fire rated self-closing door.

(B) If the area above the level used for child care is not approved as child care space, a one (1)-hour fire rated self-closing door is not required.

(C) Vertical openings, such as laundry chutes, elevators, or dumb waiters, shall be enclosed and protected with a one (1)-hour fire barrier.

(D) The following rooms and areas used for the storage, processing, or use of materials shall be separated from the remainder of the building by fire barriers having a fire resistance rating of at least one (1) hour of protection. All openings within the fire barriers shall have a one (1) hour fire rating:

1. Boiler, furnace rooms, and rooms containing water heaters. This does not apply to rooms enclosing only air-handling equipment;

2. Rooms or areas used for the storage of combustible supplies in quantities deemed hazardous by the fire inspector;

3. Rooms or areas used for the storage of hazardous materials, or flammable or combustible liquids in quantities deemed hazardous by the fire inspector;

4. Laundries and laundry rooms, maintenance shops, including woodworking and painting areas; and

5. The doors to janitorial closets shall be equipped with a self-closing device and a fire alarm initiating device in the room.

(E) The rooms or areas listed in 19 CSR 30-62.087(8)(D)1.-5. shall be inaccessible to children by use of a locked doorknob or latch.

(F) The one (1)-hour fire resistance rating is not required for rooms or areas listed in 19 CSR 30-62.087(8)(D)1.-5. if the facility installs a sprinkler head off the domestic water supply or has an approved automatic sprinkler system. A minimum twenty (20) minute fire resistance rated self-closing door is required if a sprinkler head or approved automatic sprinkler system is installed. A fire alarm initiating device shall be installed in the rooms or areas listed in 19 CSR 30-62.087(8)(D)1.-5.

(9) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall meet the requirements of the 2003 edition of the National Fire Protection Association, Chapter 101, *Life Safety Code*. Textile materials having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic material shall not be used as an interior wall, ceiling, or floor finish.

(B) Interior floor finishes within corridors and exits shall be Class I or II in accordance with Chapter 6 of the 2003 edition of the *Life Safety Code*.

(C) In addition to meeting all the requirements of this rule, facilities initially approved for child care on or after September 30, 1999 shall have wall studs, ceiling joists, and floor joists that are covered with a minimum of Class C finish with no exposed studs or joists. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet this Class C finish requirement in the altered space.

(10) Detection, Alarms, and Extinguishments.

(A) Facilities using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The fire inspector may require additional carbon monoxide detectors if the fire inspector determines that the safety of the occupants is endangered.

(B) Carbon monoxide detectors shall be in good operating condition. If a battery-operated detector is not operational due to neglect of maintenance, a detector that is powered by the facility's electrical system with a battery backup shall be installed.

(C) If an elevated carbon monoxide level is detected during a fire inspection or at any other time, all gas-fired appliances shall be checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the licensee has documentation on file at the facility verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the fire inspector, the fire inspection shall not be approved.

(D) If a level of carbon monoxide is determined that endangers the children in care, the fire inspector shall take measures necessary to protect the children. This may include evacuation of the building or closing the facility. The licensee shall obtain and have on file at the facility, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The facility shall be reinspected by the fire inspector and determined safe before the children can return to the building or the facility can reopen.

(E) A minimum of one (1) portable, five pound, 2A-10 BC, fire extinguisher shall be required in all facilities. One (1) fire extinguisher shall be located in or near the kitchen or a location required by the fire inspector. The fire inspector may require additional fire extinguishers based on the floor plan, arrangement of space, and the number of levels used.

(F) Fire extinguishers shall be installed and maintained according to the instructions of the fire inspector and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review.

(G) Smoke detector(s) shall be installed in each room where children are being cared for and all other areas that are deemed necessary by the fire inspector. Smoke detectors shall be in good operating condition and functional at all times. If smoke detectors are not operational due to neglect of maintenance, electrical battery backup interconnected smoke detector(s) shall be installed as required in 19 CSR 30-62.087(10)(I). If a smoke detector is replaced the facility shall write the manufactured date on the side of the detector for the fire inspector to reference. That smoke detector shall be replaced with a new smoke detector after ten (10) years.

(H) All facilities shall have a manual fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn/strobe light shall be installed in a central location on each floor. Additional horns/strobe lights may be required by the fire inspector dependent upon the floor plan and arrangement of space. The battery backup control panel shall be Underwriter's Laboratory (UL) or Factory Mutual (FM) listed and installed on a circuit used only for this system in the electrical panel. The fire alarm system shall be installed and maintained in good working order. The fire inspector shall base the inspection of this system on the National Fire Protection Association Standards, *National Fire Alarm Code*. This does not apply to facilities housed in one (1) room only where all exit doors lead directly outside at level exit discharge. All wireless fire alarm systems shall be UL listed for commercial fire alarm equipment. All fire alarm systems shall be tested annually by a fire alarm company. A copy of the test report shall be kept on file at the facility and shall be available for review.

(I) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after September 30, 1999 shall meet the following requirements. If alterations are made in facilities licensed after September 30, 1999, those facilities shall meet these requirements in the altered space—

1. Group child care homes and child care centers caring for forty-nine (49) or fewer children at one (1) time shall have smoke detectors installed in each room used by the children and in other locations as deemed necessary by the fire inspector. All smoke detectors shall be powered by the building's electrical system and have a battery backup. When more than one (1) smoke detector is required in a facility, they shall be arranged so that the activation of any detector causes the operation of an alarm in all detectors. This system may work independently from the manual fire alarm system; and

2. Child care centers caring for fifty (50) or more children at one time shall have a full coverage fire alarm system. Smoke detectors shall be installed in each room, throughout hallways, and in other locations as deemed necessary by the fire inspector. Heat detectors shall be installed in the attic, kitchen, mechanical rooms, and other locations as deemed necessary by the fire inspector. The fire alarm system shall be installed and maintained in good working order. The fire inspector shall base the inspection of this system on the National Fire Protection Association Standards, *National Fire Alarm Code*.

(J) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style (i.e., battery detector replaced with a battery detector or hard wire detector replaced with a hard wire detector). The new smoke detectors shall have the manufactured date written on the side of the detector for the fire inspector to reference. All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service or recalibrated by the smoke detector's manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that fire alarm system service is not interrupted.

(K) Facilities using a commercial stove, deep fryer, two (2) home-type ranges placed side-by-side, home-type range or other appliance that produces grease-laden vapor, shall be equipped with a range hood and extinguishing system with an automatic fuel supply cut-off and exhaust system in case of fire. The fire inspector shall inspect these systems to ensure that they are in good working condition and are installed and maintained correctly. The inspector shall base this inspection on the National Fire Protection Association, Chapter 96, Standard for Fire Protection of Commercial Cooking Operations.

(L) Home-type stoves separated by an eighteen inch (18")-cabinet shall not be required to have an extinguishing system installed above them.

(M) Facilities that cook on a home-type range and have a menu that does not include frying or emitting a grease-laden vapor, shall not be required to install a hood fire extinguishment system above the range.

(N) The range hood fire extinguishment system shall be interconnected with the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm to activate throughout the building.

(O) Child care centers caring for more than ninety-nine (99) children at one time shall have a fire alarm system that notifies a monitoring company or the fire department. A copy of the contract with the monitoring company shall be on file at the facility and available for review by the fire inspector. At no time shall the facility be without a contract with the monitoring company.

(P) Facilities that have a supervised automatic fire sprinkler system installed shall have the system tested and approved annually by a fire sprinkler company. Sprinkler systems required by fire safety rules and regulations or meeting an approved equivalency shall not be taken out-of-service. Nonfunctional sprinkler system(s) not required by fire safety rules and regulations shall be removed or be functional as designed. A copy of the test report and approval of the system shall be kept on file at the facility and available for review.

The test(s) shall be based on the National Fire Protection Association, Chapter 25, Standard for the Inspection, Testing, and Maintenance of Water Based Fire Protection Systems.

(Q) If child care space is located above the second floor in a building licensed on or after September 30, 1999, the entire building shall be protected by an approved, supervised automatic sprinkler system.

(11) Heating, Ventilating, Air Conditioning Equipment and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electrical space heaters, or floor furnaces shall not be used during child care hours. The licensee shall sign a compliance letter verifying that such equipment will not be used.

(B) Heating equipment and radiators in areas occupied by children shall have partitions, screens, or other means to protect children from hot surfaces and open flames. If solid partitions are used, provisions shall be made to ensure adequate air for combustion and ventilation for heating equipment. Partitions shall be constructed of noncombustible material and shall not obstruct exit access.

(C) Combustible items shall not be stored within thirty-six inches (36") of a water heater, furnace or boiler.

(D) Wood heating systems shall not be used unless the system is installed outside the physical plant.

(E) Facilities with a water heater over two hundred thousand (200,000) British thermal units (Btus) per hour input or larger, or that is heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises.

(F) All water heaters shall have a properly sized non-adjustable pressure relief valve. The drip leg on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall not be restricted. The drip leg pipe shall be copper. In facilities licensed prior to September 30, 1999, Chlorinated PolyVinyl Chloride (CPVC) or copper pipe is acceptable for the drip leg pipe.

(G) All heating equipment shall be equipped with thermostatic controls and all gas heating equipment shall be vented properly with a galvanized flue pipe with screws at every joint in the pipe or by material recommended by the manufacturer.

(H) Furnaces shall be vented properly. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. Galvanized pipe shall be secured by screws at every joint in the pipe.

(I) Joints in gas supply pipes shall be located outside the furnace cabinet housing.

(J) Furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(K) Furnace rooms and rooms containing water heaters shall have adequate combustion air for the units. The vent size openings for the combustion air shall be measured at one (1) square inch per one thousand (1,000) Btu input, if the combustion air is drawn from inside the structure, and one (1) square inch per four thousand (4,000) Btu input if the air is drawn from outside the structure. There shall be two (2) combustion air vent openings in each furnace room. One (1) opening shall be located at the lower level and the other at the upper level. One (1) combustion air vent opening shall be permitted if the vent opening extends directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btu input of the total gas appliances located in the room. The gas appliances shall have a clearance around them of one inch (1") from the sides and back and six inches (6") from the front of the unit.

(L) Furnace or air-handling equipment that has an air flow of two thousand (2,000) cubic feet of air per minute or more shall have a fan shut-down switch and duct smoke detectors that are interconnected with the fire alarm system.

(M) Suspended mounted ceiling furnaces that are not connected to a ductwork system shall not be mounted in or above the path of egress.

(N) Air conditioning, heating, ventilating ductwork and related equipment shall be installed properly and be in good operating condition as determined by the fire inspector. The fire inspector shall base this on the National Fire Protection Association, Chapter 90A, Standard for the Installation of Air Conditioning and Ventilating Systems, or National Fire Protection Association, Chapter 90B, Standard for the Installation of Warm Air Heating and Air Conditioning Systems, as applicable.

(O) In addition to meeting all the requirements of this rule, facilities initially approved for child care on or after September 30, 1999 shall meet the following requirements. If alterations are made in facilities licensed prior to September 30, 1999, those facilities shall meet these requirements in the altered space—

1. Gas shut-off valves shall be located next to all gas appliances, furnaces, and water heaters;

2. If a furnace or water heater is located inside a garage, it shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room as provided in 19 CSR 30-62.087(8); and

3. Floor furnaces shall have noncombustible protective guards installed around them and shall be located so they do not block access to an exit from any area of the licensed child care space.

(P) All elevators and dumb waiters shall be inspected annually by a state licensed elevator inspector and obtain a current state operating permit from the Division of Fire Safety.

(12) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the fire inspector considers the wiring to be unsafe for the occupants or it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, *National Electrical Code*.

(B) Protective covers or inserts for electrical receptacles shall be installed in all areas occupied by children.

(C) Electrical extension cords shall not be used unless approved in writing by the fire inspector.

(D) Combustible items shall not be stored within thirty inches (30") of electrical disconnect panels or switching boxes.

(13) Equivalency Concepts.

(A) Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2000. Original rule filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions one hundred sixty-one thousand five hundred sixty-eight dollars (\$161,568) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities six hundred thirty-six thousand eight hundred five dollars (\$636,805) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.087 Fire Safety Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services/ Department of Public Safety	\$161,568 annually

III. WORKSHEET

(Total Department of Public Safety Costs for all BCC fire inspections) X (% of Department of Public Safety workload from the fire inspections of Group Child Care Homes and Child Care Centers) = Annual Cost for implementing this rule

$(\$367,200) \times (44\%) = \$161,568.$

IV. ASSUMPTIONS

1. Department of Public Safety/Inspection Unit total budget is \$540,000.
2. BCC fire inspections are 68% of the unit's total work load at a cost of \$367,200.
3. Group Child Care Homes and Child Care Centers represent approximately 44% of the Fire Inspection Unit's total BCC fire inspections.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.087 Fire Safety Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
259 New Facilities 2124 Existing Facilities	Group Child Care Homes and Child Care Centers	\$636,805.00 annually

III. WORKSHEET

(Number of affected facilities) X (Average cost of modifications listed below) = Building modification aggregate

- Number of affected facilities(26) X Cost of ceiling modification(\$2000) = \$52,000.00.
- Affected Facilities(208) X Cost of fire barriers(\$300)= \$62,400.00.
- Affected Facilities(52) X Cost of Two Remote Exits(\$500) = \$26,000.00.
- Affected Facilities(208) X Cost of lighted exit signs(\$20) = \$4,160.00.
- Affected Facilities(26) X Cost of panic hardware(\$100) = \$2,600.00.
- Affected Facilities(208) X Cost of emergency lighting(\$40) = \$8,320.00.
- Affected Facilities(52) X Cost of 44" exit doors(\$300) = \$15,600.00.
- Affected Facilities(52) X Cost of I/T Direct Exit(\$1000) = \$52,000.00.
- Affected Facilities(104) X Cost of Carbon Monoxide Detectors(\$100) = \$10,400.00.
- Affected Facilities(259) X Cost of fire extinguishers(\$25) = \$6,475.00.
- Affected Facilities(206) X Cost of pull stations and smoke alarms(\$315) = \$64,890.00.
- Affected Facilities(26) X Cost of Full Coverage System(\$2500) = \$65,000.00.
- Affected Facilities(26) X Cost of direct to fire station transmittal(\$ 500) = \$13,000.00.
- Affected Facilities(26) X Cost of Range Hood (\$2,500) = \$65,000.00.
- Affected Facilities(52) X Cost of Construction Plans(\$2,000) = \$104,000.00.

Total = \$551,845.00

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Monitoring aggregate
(2124) X (4) X (\$10.00) = \$84,960.00 Monitoring aggregate cost.

Modification aggregate + Monitoring aggregate = Total aggregate cost
\$551,845.00 + \$84,960.00 = \$636,805.00

IV. ASSUMPTIONS

1. This proposed rule will not affect the 2124 currently inspected facilities per provisions allowed in the "Grandfather Clause".

2. BCC estimates 259 new Group Child Care Homes and Child Care Centers will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for Group Child Care Homes and Child Care Centers over the past twelve (12) months.
3. The building modifications for compliance with fire safety rules include these estimated expenses:
 - \$2,000.00 for minimum ceiling heights (7'6") in ten (10) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$300.00 for fire barriers between levels, other areas of the building and high risk rooms, e.g. furnace room in eighty (80) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$500.00 for two remote exits from all child care space in twenty (20) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$20.00 for lighted exit signs with battery backup in eighty (80) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$100.00 for panic hardware on all exit doors in facilities with a capacity of 100+ in ten (10) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$40.00 for emergency lighting in eighty (80) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$300.00 for 44" exit doors in facilities with a capacity of 50+ children which is expected to be twenty (20) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$1,000.00 for direct exit to the outdoors for all infant/toddler care in twenty (20) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$100.00 for installation and maintenance of carbon monoxide detectors in forty (40) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$25.00 for fire extinguishers in the 259 new Group Child Care Homes and Child Care Centers.
 - \$300.00 for manual pull stations and \$15.00 for smoke alarms in eighty (80) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$2,500 for full coverage alarm systems in ten (10) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$500.00 for fire alarm directly transmitted to fire department for facilities with a capacity of 100+ which is expected to be ten (10) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$2,500.00 for range hood with automatic fuel shutoff in ten (10) percent of the 259 new Group Child Care Homes and Child Care Centers.
4. BCC estimates that twenty (20) percent of the 259 new Group Child Care Homes and Child Care Centers will be required to procure and submit to the State Fire Marshal a full set of construction plans for building and remodeling @ \$2000.00 cost for each facility.
5. Facility director's annual salary is estimated at \$20,600 per year (\$10.00 per hour).
6. BCC estimates the facility director in the 2,124 licensed Group Child Care Homes and Child Care Centers will spend four (4) hours each year to write/ post evacuation plans throughout the building, conduct/record monthly fire drills and participate in the process for annual fire safety inspection of the facility.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.090 Sanitation Requirements

PURPOSE: This rule establishes the sanitation requirements for group child care homes and child care centers.

NOTE: Current rules with a “grandfather clause” will be identified by the symbol (GF) after the affected rule.

(1) The following definitions shall be used in interpreting this rule:

(A) “Approved food service source” is a food service establishment inspected and approved by a federal, state or local health agency.

(B) “Approved sanitizer” is a sanitizing product approved for use on food contact surfaces or a product that is labeled with instructions from the manufacturer for use on food contact surfaces.

(C) “Catered food” is food prepared by an approved source not located at the child care facility and that is transported to the child care facility.

(D) “CCA treated lumber” is lumber treated with a pressurized solution containing copper chromates and arsenic.

(E) “Child contact item” is any item a child might touch or with which a child might come into physical contact.

(F) “Commercial dishwasher” is an automatic mechanical dishwasher that meets the equipment requirements described in the Missouri Food Code 19 CSR 20-1.025.

(G) “Community water system” is a public water system that has at least fifteen (15) service connections or regularly serves at least twenty-five (25) residents on a year round basis.

(H) “Cross-contamination” is the transfer of infectious microorganisms or chemicals from one source to another.

(I) “DNR” is the Missouri Department of Natural Resources.

(J) “Domestic well” is a private water supply well that is constructed to meet minimum standards and is equipped with a pump that does not have the capacity to produce more than seventy (70) gallons of water per minute and services three (3) or less service connections. A multifamily well for the purposes of this rule shall be considered a domestic water supply.

(K) “Family style food service” is an interactive method of food service in which adults and children sit together and the children serve their own food with adult supervision.

(L) “Food contact surface” is any equipment, surface or utensil that may come into contact with food during storage, preparation, distribution and serving of food. This includes, but is not limited to, dry storage shelves, refrigerator shelves, cutting boards, tables, utensils, food storage containers and high chairs.

(M) “Food grade containers” containers that are composed of durable, corrosion-resistant nonabsorbent materials that will not affect the characteristics of food. They must be sufficient in weight and thickness to withstand repeated washing. They must have a smooth, easily cleanable surface and be resistant to pitting, chipping, cracking, scratching, scoring, distortion and decomposition and must not allow the migration of harmful substances or impart colors, odors or tastes to food.

(N) “Food preparation” is the act of handling or processing food for consumption. Food preparation includes, but is not limited to, adding water to formula or concentrated food, adding milk to cereal, cooking or warming food, heating food in a microwave, slicing fruits and vegetables, preparing sandwiches and transferring food from packages or containers to plates.

(O) “Food preparation sink” is a sink used exclusively for preparing foods, such as rinsing fruits and vegetables or obtaining water for mixing cereals, formula or for drinking.

(P) “Food-related items” are items such as paper towels and napkins, single service items, and any food preparation or food service utensils, and any other item or surface that may come in contact with food.

(Q) “Friable” refers to materials that are easy to crumble or pulverize.

(R) “Hand washing sink” is a basin equipped with mixing faucets or a combination faucet that dispenses hot and cold running water that is under pressure and can be tempered. The hand washing sink is not used for food preparation.

(S) “Hazard” is a biological, chemical or physical source of endangerment, injury or harm.

(T) “High hazard cross connection” is any connection to a potable water supply that will allow entry of a dangerous substance.

(U) “Multifamily well” is a private water supply well constructed for the purpose of serving more than three (3) dwellings but having less than fifteen (15) service connections and serving less than twenty-five (25) individuals daily at least sixty (60) days out of the year.

(V) “Nontransient noncommunity water system” is a public water system that is not a community water system which has at least fifteen (15) service connections or regularly serves at least twenty-five (25) of the same individuals over six (6) months per year.

(W) “On-site sewage system” is a sewage handling and treatment system receiving domestic sewage that discharges into a subsurface soil absorption system and discharges less than three thousand (3,000) gallons per day or is a waste water stabilization pond regulated by the Department of Natural Resources.

(X) “Pesticides” are any chemicals that are used to kill insects, weeds and vermin.

(Y) “Pooled eggs” are two (2) or more raw eggs combined for consumption such as scrambled eggs.

(Z) “PPM” is parts per million and relates to the ratio of a sanitizing agent to the water with which it is mixed.

(AA) “Potable water” is water that is tested by a laboratory and determined safe for consumption.

(BB) “Potentially hazardous foods” are perishable foods that consist in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients including synthetic ingredients, in a form capable of supporting rapid and progressive growth of disease causing organisms.

(CC) “Psittacosis” is a pneumonia-like upper respiratory disease found in birds of the parrot family that is transmittable to humans. It is sometimes fatal in immuno-compromised persons such as young children.

(DD) “Public water supply” is a piped water supply having fifteen (15) or more service connections or serving twenty-five (25) or more people at least sixty (60) days out of the year. It may either be a community water system, transient noncommunity water system or a nontransient noncommunity public water system.

(EE) “Sanitary hand drying” is the use of disposable paper towels, forced air blowers or single use cloth towels to dry hands after hand washing.

(FF) “Sanitizing” is effectively treating cleaned (washed and rinsed) surfaces of equipment and utensils by a Bureau of Child Care (BCC) approved process that reduces the population of disease causing organisms to a safe level.

(GG) “Single service food items” are any items intended only for one (1) time use then discarded, such as plastic cutlery, paper plates, aluminum pie plates or Styrofoam items.

(HH) “Utensils” are any tableware or kitchenware used in the storage, preparation, serving or conveying of food.

(2) General Requirements.

(A) The premises shall be clean, orderly and free of unsanitary conditions.

(B) Walls, ceilings, and floors shall be in in good condition and, free from splinters, cracks, chipping paint, bare concrete, and dampness. They shall be finished with material that can be cleaned easily.

(C) Equipment shall be easily cleanable and in good condition.

(D) Tape shall not be used to repair food contact surfaces, diapering surfaces, toilet seats or potty chairs.

(E) The following shall occur before any child or group of children begins an activity at a water play table or water basin:

1. The water play table/basin shall be washed, rinsed, and sanitized with a solution of one hundred (100) ppm of chlorine bleach to water (one (1) teaspoon of bleach to one (1) gallon of water).

2. Toys shall be washed before being placed in the water play table/basin.

3. Children shall wash their hands before and after the water play activity.

4. The water play table/basin shall be emptied when water play is over.

5. Toys shall be washed and the water play table/basin shall be washed, rinsed, and sanitized before the next group uses the water play table/basin or before the next water play activity takes place.

(F) Personal care items and purses shall be stored in areas not accessible to children and away from food/child contact surfaces.

(G) Children's personal items shall be stored individually to prevent cross-contamination and shall be individually labeled with each child's name.

(H) Children's bedding shall be stored so it does not contact other children's bedding.

(I) The facility shall be well-ventilated, free of molds and noxious odors.

(J) Windows and doors used for ventilation shall have screens in good repair.

(3) Environmental Hazards.

(A) The premises shall be free of environmental hazards.

(B) The premises and equipment shall be free of friable asbestos.

(C) Radon levels shall not be more than four (4) picocuries per liter.

(D) The premises and equipment shall be free of lead hazards. Only lead-free paint shall be used.

(E) Toxic or dangerous plants shall not be accessible to children.

(F) Pesticides shall not be applied during child care hours.

(G) Pesticides shall be used and stored in full compliance with the manufacturer's labeling.

(H) All equipment and toys shall be washed and rinsed after the premises is treated with pesticides.

(I) Aerosol sprays shall not be used to mask odors.

(J) If CCA treated material is accessible to children in care, the material shall be treated with an oil-based waterproof sealant annually.

(K) The licensee shall contact the bureau before beginning any remodeling or new construction.

(L) Air filters and vents for heaters and air conditioners shall be clean or changed as needed.

(4) Pest Control.

(A) There shall be no evidence of insects, spiders, rodents or pest harborage.

(B) All openings to the outside shall be sealed to prevent insects and rodents from entering.

(C) Piles of refuse, building materials or other materials shall be stored, maintained and vegetation cut to prevent rodent and insect harborage.

(D) Mosquito breeding areas, such as containers or puddles of standing water, shall be eliminated.

(5) Storage of Medicine and Other Dangerous or Toxic Items.

(A) Medicine, toxic agents and cleaning agents shall be stored to prevent access by children and to prevent cross-contamination of food, food-related items and child contact items.

(B) Medicine, cleaning agents and toxic agents, shall be stored separately from each other.

(C) Refrigerated medicine shall be in nonporous containers with lids or sealed bags and stored in a manner that prevents contamination of food.

(D) Medicine may be stored in kitchen cabinets over food and food contact surfaces if in a spill proof nonporous container with a lid or in sealed bags.

(E) Toxic agents shall be stored and used in full compliance with the manufacturer's labeling.

(F) Toxic agents and cleaning agents not stored in their original containers shall be labeled indicating the contents.

(G) Child contact items shall be stored to prevent cross-contamination by pesticides, personal care items and wastewater drain lines.

(H) Syringes, needles, epi-pens and other "sharps" shall be placed in a disposable container approved by the Environmental Protection Agency (EPA) for this purpose.

(6) Animals and Pets.

(A) Any pet or animal present at the facility, indoors or outdoors, shall be in good health and show no evidence of carrying any disease communicable to humans.

(B) Any cat or dog on the premises shall be vaccinated for rabies, and proof of current compliance shall be on file at the facility.

(C) Ferrets, turtles, iguanas, lizards or other reptiles, or any wild or dangerous animals shall not be kept on the premises.

(D) Birds shall be caged at all times during child care hours.

(E) Birdcages shall be cleaned daily, after child care hours.

(F) Birds of the parrot family (psittacine birds) shall not be on the premises unless the following conditions are met:

1. The birds are tested for psittacosis and determined free of disease;

2. Birds that test positive shall be excluded until the test is negative;

3. If a bird is exposed to other birds after initial testing, an annual test is required;

4. Birds of the parrot family new to the facility shall be tested before entering the facility; and

5. Documentation of the test results shall be kept at the facility.

(G) Areas used by children shall be free of animal excrement.

(H) All animals shall be excluded from areas where food is prepared, stored or served.

(I) Food dishes, water dishes, and litter boxes used by animals shall not be located in any area used by or accessible to children or in any area where food is prepared, stored, or served.

(J) Pets' litter boxes shall be changed daily, after child care hours.

(K) Animal living quarters, pens, cages and the surrounding area shall be easily cleanable and shall be kept clean and odor free.

(L) Pets' cages and tanks shall not be cleaned on the playground or in sinks used for hand washing, food preparation, or utensil and food equipment washing, rinsing, and sanitizing.

(7) Swimming and Wading Pools.

(A) Swimming and wading pools used by children shall have a water filtration system. The water in swimming and wading pools shall be treated, cleaned and maintained in accordance with health practices and rules as determined by the local and/or state health authority.

(B) Children shall use only swimming and wading pools that have been tested to determine that the water quality is safe.

(C) The facility shall test swimming and wading pools used by the children on the premises as follows:

1. The bacterial level in the water shall be determined safe before initial use;

2. Free chlorine levels shall be maintained between 1.0 ppm and 3.0 ppm;

3. The pH level shall be maintained between 7.2 and 7.8; and

4. Free chlorine and pH tests shall be made and recorded daily.

(D) Non-toilet trained children shall wear adequate protective clothing to ensure that fecal contamination is prevented.

(E) Pool chemicals shall not be used when children are in the pool area. Pool chemicals shall be stored in a locked area and inaccessible to the children.

(8) Sewage Disposal.

(A) Sewage disposal systems or sewage treatment systems shall not present a hazard to the health of the children in care.

(B) Child care facilities using sewage systems regulated by Department of Natural Resources DNR shall comply with all applicable laws and rules of that agency.

(C) Child care facilities using on-site sewage systems not regulated by DNR shall meet all applicable local codes.

(D) When local codes are not in effect, on-site sewage disposal systems shall be regulated by the department and shall meet all provisions of sections 701.025 to 701.059, RSMo. (GF)

(E) On-site systems regulated by the department shall not have surfacing or discharging effluent, contamination of surface or groundwater, production of odors or the creation of a habitat for insect breeding.

(F) Malfunctioning on-site sewage systems regulated by the department shall be renovated according to 19 CSR 20-3.060 "Minimum Construction Standards for On-site Sewage Disposal Systems."

(9) Water Supply.

(A) All child care facilities shall be connected to a source of safe water supplied throughout the facility in amounts that meet the needs of the facility.

(B) Public water supply systems shall meet applicable Department of Natural Resources laws and rules.

(C) Domestic water wells shall be constructed and located according to the "Missouri Well Construction Rules" 10 CSR 23-3.010-10 CSR 23-3.110.

(D) The department shall annually test the water quality of all domestic, multifamily, nontransient noncommunity water supplies for bacteriological contamination.

(E) Domestic wells not meeting satisfactory bacteriological water test results following collection of two (2) consecutive samples shall provide a permanent disinfection process approved by the bureau.

(F) Facilities with domestic, nontransient noncommunity water supplies that care for children less than two (2) years of age shall have an annual nitrate test with a reading of less than ten (10) ppm.

(G) Facilities shall comply with boil water orders issued by the state and/or local water authority.

(H) Water systems shall be free of high hazard cross connections.

(I) All water supply systems shall meet local codes.

(J) Temporary use of bottled water due to an unsafe water supply shall be permitted only with approval of the bureau.

(10) Drinking Water.

(A) Drinking water supplies serving child care facilities shall provide bacteriologically safe drinking water.

(B) Drinking water shall be from an approved source which shall include drinking fountains, food preparation sinks and commercially bottled water.

(C) There shall be a minimum distance of eighteen inches (18") between drinking fountains and hand washing sinks.

(D) Drinking fountains shall have an angled water jet and an orifice guard above the rim of the fountain. Water pressure shall assure that the water jet does not contact the orifice or splash on the floor but shall rise at least two inches (2") above the orifice guard.

(E) Pitchers used for drinking water shall be covered with a lid.

(F) Other portable water dispensing devices independent of the permanent water supply shall have paddle type spigots.

(G) All portable water dispensing devices shall be washed, rinsed and sanitized daily.

(11) Sinks.

(A) All sinks shall be equipped with mixing faucets or combination faucets with hot and cold running water under pressure.

(B) Sinks used for child care shall not have separate hot and cold running water faucets.

(C) Hot water temperature at sinks accessible to children shall be within a range of one hundred degrees Fahrenheit to one hundred twenty degrees Fahrenheit (100°F-120°F). The caregiver shall check temperatures monthly using a bayonet metal stemmed thermometer and make adjustments if necessary.

(D) Sinks that are equipped with automatic shut-off valves shall have a minimum of fifteen (15) second hold time.

(E) Hand washing sinks shall not be used for food preparation.

(F) Food preparation sinks shall not be used for hand washing.

(G) All hand washing sinks shall have soap and paper towels accessible to the user.

(12) Hand Washing.

(A) Caregivers shall use the correct method for hand washing that includes:

1. Washing for a duration of at least twenty (20) seconds;
2. Using soap and warm running water; and
3. Sanitary hand drying.

(B) Multiple-use or shared hand drying towels shall not be used.

(C) If bar soap is used, it shall be stored in a self-draining container.

(D) Paper towels or other single use towels shall be stored so they are not contaminated by splash.

(E) Caregivers and volunteers shall wash their hands as needed including:

1. Upon arrival at the facility or when moving from one (1) child care group to another;
2. Before and after:
 - A. Eating;
 - B. Handling food;
 - C. Feeding a child;
 - D. Performing first aid; and
 - E. Dispensing medication; and
3. After:
 - A. Using the toilet;
 - B. Assisting a child with toileting;
 - C. Changing diapers;
 - D. Coughing, sneezing, or wiping a nose;
 - E. Handling soiled laundry;
 - F. Handling pets and other animals and animal contact items.

(F) Caregivers shall assure that children wash their hands as needed, including:

1. Before and after eating and/or participating in food activities;
2. After:
 - A. Diapering;
 - B. Using the toilet;
 - C. Coughing, sneezing, wiping and blowing nose;
 - D. Handling pets and other animals and animal contact items;
 - E. Playing in a water play table; or
 - F. Coming indoors from outdoor play.

(G) Caregivers shall teach children the correct method for hand washing that includes:

1. Washing for a duration of at least twenty (20) seconds;
2. Using soap and warm running water; and
3. Sanitary hand drying.

(H) Sanitizing hand gels and commercially prepared wipes shall not be used as a substitute for hand washing when soap and warm running water are available.

(13) Toothbrushing.

(A) If toothbrushing occurs at the facility, the following procedures shall be followed:

1. Toothbrushes shall be in good condition and shall be individually labeled with the child's name;
2. Toothbrush holders and racks shall be washed, rinsed and sanitized when visibly soiled or as needed;
3. Toothpaste shall be dispensed in a manner that prevents contamination from toothbrush to toothbrush;
4. Children may brush their teeth at the children's hand washing sink if the sink and faucets have been washed, rinsed and sanitized prior to and after the toothbrushing;
5. Toothbrushes, cups and toothpaste shall be stored out of the reach of children;
6. Toothbrushes and cups shall not be stored in the bathroom;
7. Toothbrushes shall be air dried and stored to prevent contamination. Toothbrush covers that allow the toothbrush to air dry may be used; and
8. Any cups used with toothbrushing shall be single service or individually assigned. Any individual cups shall be washed, rinsed and sanitized after each use.

(14) Food Protection.

(A) Persons preparing or serving food shall be free of infected cuts on the hands and free of diarrheal illnesses.

(B) All food shall be from an approved food service source and shall be in sound condition. Food shall not be served from excessively dented or swollen cans.

(C) Home canned foods shall not be used. Properly protected fresh or frozen fruits and vegetables from private uninspected sources may be used.

(D) Unpasteurized milk and fruit juices shall not be used.

(E) All potentially hazardous foods shall be stored at temperatures of forty-one degrees Fahrenheit (41°F) and below or one hundred forty degrees Fahrenheit (140°F) and above, except during necessary periods of food preparation.

(F) Refrigerated potentially hazardous food shall be properly marked with a seven (7) day discard date after opening or preparation.

(G) Refrigerated potentially hazardous food not marked with a discard date shall not be served to the children in care.

(H) Serving and storage of milk, breast milk and formula shall comply with the following:

1. Prepared bottles shall be refrigerated immediately upon arrival at the facility;
2. A bottle that has been fed over a period that exceeds an hour from the beginning of the feeding or has been unrefrigerated an hour or more shall not be served to an infant;
3. Prepared bottles that have not been used shall be discarded or returned to the parent at the end of each day;
4. Opened containers of ready-to-feed or concentrated liquid formula shall be dated when opened, covered, refrigerated, and any unused portion discarded or returned to the parent after forty-eight (48) hours;
5. Powdered formula shall not be used beyond the product shelf date; and
6. Unfrozen breast milk that has not been used shall be returned to the parent at the end of each day.

(I) The refrigerator temperature shall be forty-one degrees Fahrenheit (41°F) or below.

(J) A thermometer shall be located within the refrigerator to measure the air temperature in the forward most section of the unit. It shall be positioned so that it is immediately readable when the refrigerator is opened. The thermometer shall be numerically scaled and accurate within plus or minus three degrees Fahrenheit ($\pm 3^\circ\text{F}$).

(K) Food stored in the freezer shall be frozen solid.

(L) Food shall be thawed by one (1) of the following methods:

1. Under refrigeration at forty-one degrees Fahrenheit (41°F) or below or;

2. Under seventy degrees Fahrenheit (70°F) or below continuously running water; or

3. In a microwave if it is part of the continuous cooking process.

(M) Potentially hazardous foods shall be cooked to the following internal temperatures:

1. Ground beef—one hundred fifty-five degrees Fahrenheit (155°F);

2. Poultry and pooled eggs—one hundred forty-five degrees Fahrenheit (145°F);

3. Pork—one hundred forty-five degrees Fahrenheit (145°F);

4. All other foods—at least to one hundred forty-five degrees Fahrenheit (145°F) or as specified by the Missouri Food Code;

5. Precooked food shall be reheated to one hundred sixty-five degrees Fahrenheit (165°F);

6. All hot foods shall be held at one hundred forty degrees Fahrenheit (140°F) or above.

(N) The facility shall have a metal stemmed bayonet type thermometer that is numerically scaled in two degree (2°) increments to check the internal temperature of potentially hazardous foods. The thermometer shall be accurate within plus or minus two degrees Fahrenheit ($\pm 2^\circ\text{F}$) with a range of zero degrees Fahrenheit to two hundred twenty degrees Fahrenheit (0°F–220°F). Electronic digital type bayonet thermometers may also be used for this purpose.

(O) Food temperatures shall be checked during preparation and while maintaining temperature prior to serving.

(P) Meat and candy thermometers shall not be used to check food temperatures.

(Q) Food, food-related items and utensils shall be stored to prevent contamination by pests, pesticides, toxic agents, cleaning agents, water drain lines, medicines, dust and splash including during times of preparation and display.

(R) Food shall be stored in containers that protect it from contamination.

(S) Food and food-related items shall be stored off the floor.

(T) Cooked food or food needing no further preparation shall not be stored under raw foods such as meats.

(U) Utensils shall be stored so that handles are presented to the user.

(V) Foods needing no further cooking shall not be handled with bare hands. Serving utensils, deli paper, napkins, food service gloves or other means can be used to meet this requirement.

(W) Food, toxic agents and cleaning agents not stored in their original containers shall be labeled indicating the contents.

(X) Food shall be stored only in food grade containers.

(Y) Single use items such as aluminum foil pans, zip lock bags and bread wrappers may not be re-used to store other foods.

(Z) Plastic bags manufactured as refuse bags shall not be used to store food.

(AA) Only food containers in good repair may be used.

(BB) Food shall not be prepared and food related items and utensils shall not be stored in diapering areas, or bathrooms.

(CC) Containers for soiled diapers shall not be stored in the food preparation area.

(DD) Soiled laundry shall not be stored in the food preparation or food storage areas.

(EE) Soiled laundry shall be stored in nonabsorbent containers or washable laundry bag until removed for laundering.

(FF) Soiled laundry shall not be stored in the kitchen.

(GG) Only unopened packaged foods and unopened packaged single service articles may be stored in a laundry room.

(HH) Clothes dryer vents shall not be vented into the child care space.

(II) Eating, smoking or drinking shall not be permitted during food preparation.

(JJ) Food served family style or food placed for self-service to children and not eaten shall not be re-served to the children in care.

(15) Cleaning and Sanitizing.

(A) The three (3)-step method of sanitizing (wash-rinse-sanitize) shall be used when sanitizing is required.

(B) Sanitizing equipment used in diapering/bathroom areas shall not be used in food preparation/serving areas.

(C) All food equipment, utensils and food contact surfaces shall be washed, rinsed and sanitized with approved sanitizers after each use.

(D) If bleach is used as the approved sanitizer, it shall be liquid, unscented household bleach and it shall be used in the following concentrations:

1. Immersion for ten (10) seconds in a fifty (50) to one hundred (100) parts per million (approximately one-half (1/2) teaspoon) per gallon solution of water; or

2. Clean-in-place—one hundred (100) to two hundred (200) parts per million (approximately one (1) teaspoon) per gallon of water with a contact time of at least ten (10) seconds.

(E) All other approved sanitizers used shall have instructions on the product label specifically for use on food contact surfaces or the caregiver shall obtain written sanitizing instructions regarding food contact surfaces from the manufacturer. All manufacturer instructions regarding concentrations and sanitizing procedures shall be followed.

(F) Quaternary ammonias may be used as an approved sanitizer if they are free of dyes and fragrances and labeled for use on food contact surfaces.

(G) Test strips shall be available and used to check the proper concentration of all sanitizing agents.

(H) After washing, rinsing and sanitizing all utensils, plates, cups, and toys shall be air dried on nonabsorbent materials before being stored.

(I) The following items shall be washed, rinsed and sanitized after each use with an approved sanitizer in appropriate concentrations:

1. Food utensils;
2. Food contact surfaces (counter tops, tables, etc.);
3. High chair trays and seats;
4. Potty chairs and adaptor seats;
5. Diapering surfaces;
6. Toys that have been contacted by body fluids.

(J) The following items shall be washed, rinsed and sanitized daily with approved sanitizers in the appropriate concentrations:

1. Commodes, urinals, hand washing sinks, and diapering containers;
2. Nonabsorbent floors in infant/toddler space; and
3. Infant/toddler toys used during the day.

(K) All napping equipment surfaces and coverings shall be sanitized weekly, when soiled or wet, and prior to assignment to another child.

(L) Carpets and floors shall be spot washed, rinsed and sanitized with approved sanitizers in appropriate concentrations when contacted by body fluids.

(M) Facilities shall not install clothes washers and dryers in the food preparation area.

(16) Food Equipment.

(A) Single service items such as plastic utensils and Styrofoam or paper cups or plates shall be used only once.

(B) All food equipment shall be in good repair.

(C) Cracked, pitted or scratched utensils shall not be used.

(D) Food preparation and storage areas shall be equipped with adequate lighting.

(E) A buildup of grease-laden vapors on floors, ceilings or walls requires that a commercial hood ventilation system be installed. Equipment that produces excessive heat, grease-laden vapors or moisture shall be vented properly.

(F) Carpeting and absorbent flooring materials shall not be used in the food preparation area.

(G) All facilities shall have adequate mechanical refrigeration units that are used only by the child care program.

(H) Facilities that prepare food shall have adequate preparation and storage equipment for hot foods.

(I) Crock pots (slow cooking devices) shall not be used for cooking potentially hazardous foods. They may be used to maintain hot temperatures of potentially hazardous foods.

(J) The facility shall have at least two (2) sinks located in the food preparation area designated, labeled and used exclusively for:

1. Hand washing only;
2. Food preparation only.

(K) Facilities with a capacity of twenty (20) children or fewer shall have dish washing equipment as follows: (GF)

1. A mechanical dishwasher that sanitizes by reaching one hundred eighty degrees Fahrenheit (180°F); or

2. A mechanical dishwasher that sanitizes by use of chemicals; or

3. A mechanical dishwasher cycle followed by a sanitizing rinse in a separate sink or compartment; or

4. A three (3)-compartment sink; or

5. A two (2)-compartment sink with a third portable compartment for the final sanitizing step; and

6. All sinks or compartments must be large enough to accommodate the largest utensil used.

(L) Facilities with a capacity of more than twenty (20) children shall have: (GF)

1. Separate food preparation and storage areas from the family food preparation and storage areas;

2. A three (3)-compartment sink, or a commercial dishwasher which meets the 1999 Missouri Food Code 4.204.113-118 in addition to a separate hand washing sink;

3. Sink compartments used for dish washing shall be large enough to accommodate the largest utensil used.

(17) Catered Foods Requirements.

(A) All catered foods shall be from an inspected and approved source.

(B) Equipment shall be used to maintain safe food temperatures and prevent contamination of food during transportation and holding.

(C) The licensee shall ensure that food arrives at a safe temperature and is maintained at a safe temperature until it is served.

(D) Staff shall check temperatures with a metal stem bayonet thermometer as described.

(E) Facilities using catered food exclusively shall be equipped with a hand washing sink located in the kitchen/food preparation area that is accessible at all times for use during snack and meal time.

(F) A facility that does not use single service utensils exclusively shall meet the appropriate dish washing equipment requirements based on the capacity set forth in 19 CSR 30-62.090(16).

(G) Facilities that exclusively use single service items and do not sanitize dishes or other food containers such as pots and pans shall install equipment based according to its capacity in order to sanitize toys. (GF)

(18) Bathroom Requirements.

(A) Facilities shall have bathrooms enclosed with full floor-to-ceiling walls and solid doors. Doors shall be closed when bathroom is not in use. (GF)

(B) Fixtures and dispensing equipment shall be accessible to the children, in working order and in good repair.

(C) Paper towels shall be stored and dispensed in a manner that minimizes contamination.

(D) A hand washing sink shall be located inside or within eight (8) feet (8') outside the door of the bathroom.

(E) Kitchen sinks shall not be used to wash hands after toileting or diapering.

(F) Storage of toothbrushes and drinking cups in the bathroom shall be prohibited.

(G) Bathrooms shall be cleaned as needed or at least daily.

(H) Bathrooms shall have sufficient lighting to allow proper cleaning.

(I) Carpeting shall not be used in bathrooms.

(J) Facilities shall have mechanical ventilation in all bathrooms.

(GF)

(K) Potty chairs shall be located and used in the bathroom.

(19) Requirements for Infant/Toddler Units.

(A) Units shall have a sink that is designated, labeled and used for food and bottle preparation. This sink shall be separated by at least eighteen inches (18") from any hand washing sink or diapering area. (GF)

(B) All food related utensils, which are to be reused at the facility, shall be washed, rinsed and sanitized after each use with proper methods and equipment as required in 19 CSR 30-62.090(15).

(C) Hand washing sinks shall not be used for any other purpose such as rinsing bottles, pacifiers, toys, or other items that children may mouth.

(D) All toys shall be washed, rinsed and sanitized after being placed in a child's mouth or otherwise contaminated by body secretion or excretion. They must be set aside until they are washed, rinsed, sanitized and air dried by hand or in a mechanical dishwasher in accordance with the requirements of 19 CSR 30-62.090(16).

(20) Diapering Area Requirements.

(A) Diapering surfaces shall be nonabsorbent, smooth (non-textured), easily cleanable and in good repair free of cracks, tears and holes.

(B) Hand washing sinks with warm running water shall be located within eight feet (8') of the diapering surface.

(C) Soap and paper towels shall be immediately accessible to the hand washing sink at all times.

(D) Diapering supplies shall be located in the diapering area and inaccessible to children.

(E) A container with a tight fitting lid shall be used to hold wet or soiled disposable diapers. Soiled disposable diapers shall be discarded daily. The container shall be stored in the diapering area.

(F) If cloth diapers are used, they shall be stored in airtight plastic bags and removed from the building daily.

(G) Food preparation shall not occur in the diapering area.

(H) Food related items or utensils shall not be stored in the diapering area.

(I) Staff shall be prohibited from going through a door or other barrier to wash their hands after diapering. (GF)

(21) Refuse Disposal.

(A) The facility shall have an adequate number of containers that are clean, nonabsorbent and in sound condition.

(B) Outside refuse areas shall be clean, with containers covered at all times.

(C) Inside containers with food or body fluids shall be covered when not in use.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions three hundred sixty-five thousand nine hundred sixty-three dollars (\$365,963) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities two hundred fifty thousand seven hundred twenty dollars (\$250,720) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department

of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.090 Sanitation Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$365,963 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (16\%) = \$365,963$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 16% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.090 Sanitation Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
259 New Facilities 2124 Existing Facilities	Group Child Care Homes and Child Care Centers	\$250,720.00 annually

III. WORKSHEET

(Number of affected facilities) X (Average cost of modifications listed below) = Building modification aggregate

- Number of affected facilities(26) X Cost of asbestos inspection(\$300) = \$7,800.00.
- Affected facilities(26) X Cost of Radon Correction Ventilation(\$1500) = \$39,000.00.
- Affected facilities(26) X Cost of lead abatement (\$500) = \$13,000.00.
- Affected facilities(26) X Cost of adding mixing faucets (\$100) = \$2,600.00.
- Affected facilities(26) X Cost of installing handwashing sink in food preparation area (\$300) = \$7,800.00.
- Affected facilities(52) X Cost of commercial dishwashers or three compartment sink (\$2000) = \$104,000.00.
- Affected facilities(26) X Cost of mechanical ventilation (\$300) = \$7,800.00.
- Affected facilities(26) X Cost of handwashing sink in diapering area (\$200) = \$5,200.00.

Total = \$187,000.00

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Monitoring aggregate.
(2124) X (3) X (\$10.00) = \$63,720.00 Monitoring aggregate cost.

Modification aggregate + Monitoring aggregate = Total aggregate cost
\$187,000.00 + \$63,720.00 = \$250,720.00

IV. ASSUMPTIONS

1. This majority of this proposed rule will not affect the 2124 currently licensed Group Child Care Homes and Child Care Centers per provisions allowed in the "Grandfather Clause".
2. BCC estimates 259 Group Child Care Homes and Child Care Centers will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.

3. Based on statistical data from inspections in the 2124 currently licensed Group Child Care Homes and Child Care Centers, BCC estimates the following building modification expenses for new facilities to comply with sanitation rules:
 - \$300.00 for asbestos inspection in ten (10) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$1500.00 for ventilation system for correction of radon is expected to occur in ten (10) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - Average of \$500.00 lead abatement costs in ten (10) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$100.00 for adding mixing faucets in ten (10) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$300.00 to install a sink for hand washing in the food preparation area in ten (10) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$2000.00 to install a three-compartment dishwashing sink or a commercial dishwasher in twenty (20) percent of the 259 new Group Child Care Homes and Child Care Centers.
 - \$300.00 to install mechanical ventilation in bathrooms in ten (10) percent of the 259 new Group Child Care Homes and Child Care Centers
 - \$200.00 to install a sink for hand washing in the diapering area in ten (10) percent of 259 new Group Child Care Homes and Child Care Centers.
 - Note: \$2,500.00 for range hood with automatic fuel shutoff in ten (10) percent of the 259 new Group Child Care Homes and Child Care Centers is already calculated in the fiscal note for fire safety requirements in 19 CSR 30-60.080.
4. Facility director's annual salary is estimated at \$20,600 per year (\$10.00 per hour).
5. BCC estimates the facility director in the 2124 currently licensed Group Child Care Homes and Child Care Centers will spend three (3) hours annually to participate in sanitation inspections and arrange/oversee required corrections.
6. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

Title 19—DEPARTMENT OF HEALTH**Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers****PROPOSED RESCISSION**

19 CSR 30-62.092 Furniture, Equipment and Materials. This rule defined the requirements for the furniture, equipment and materials needed in a group day care home or child care center.

PURPOSE: The Department of Health and Senior Services has addressed these requirements in another revised rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.081, 13 CSR 40-62.092 and 19 CSR 40-62.092. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.092, effective Dec. 9, 1993. Changed to 19 CSR 30-62.092 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhs.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES****Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes****PROPOSED RULE****19 CSR 30-62.100 Staff Requirements**

PURPOSE: This rule sets forth the general, educational and training requirements for staff.

NOTE: Current rules with a "grandfather clause" will be identified by the symbol (GF) after the affected rule.

(1) General Staff Qualifications and Employment.

(A) Child care staff shall be of good character and intent and shall be qualified to provide care conducive to the welfare of children. Good character is honesty, fairness and respect for the law and the rights of others.

(B) Child care staff shall cooperate with the Department of Health and Senior Services (department).

(C) When each staff member begins work, the following information shall be on file at the facility: the individual's name, birth date, address, telephone number, and education.

(D) Only individuals eighteen (18) years of age or older shall be counted in meeting the required caregiver/child ratios.

(E) Caregivers shall be physically, cognitively, and emotionally able to carry out assigned responsibilities.

(F) Caregivers shall demonstrate knowledge, skills and abilities to meet the needs of each child in care.

(G) Caregivers shall be capable of handling emergencies promptly and appropriately.

(H) Caregivers and other staff shall not disclose or discuss personal information regarding children or their relatives with any person who does not have an official need for information.

(I) The licensee shall not retaliate against an employee for reporting a licensing deficiency.

(J) Caregivers, other staff or volunteers shall not be under the influence of alcohol or illegal drugs while on the premises or providing care for children. These individuals shall not be in a state of impaired ability due to use of medication while on the premises.

(K) Written documentation of any employee disciplinary action shall be maintained in each employee's individual file.

(L) Major housekeeping, cleaning or maintenance such as window washing, carpet shampooing, painting, lawn mowing, floor stripping and buffing, etc. shall be carried out after child care hours. Caregivers may complete routine cleanup to maintain order and sanitation.

(2) Background Checks.

(A) The licensee shall obtain the results of background checks through the Family Care Safety Registry as defined in section 210.485, RSMo. These results shall be on file at the facility for these individuals:

1. Licensee(s);
2. Board president or chairperson who comes into the facility during child care hours;
3. Corporate or organizational staff who come into the facility during child care hours;
4. The facility director;
5. All persons employed in the facility during child care hours;
6. All volunteers counted in caregiver/child ratios.

(B) The licensee shall request a background check for the individuals designated above within fifteen (15) calendar days of their employment or volunteering in the child care facility. A copy of the request shall be on file at the facility.

(C) Any individual who does not have a background check result on file at the facility shall not be left alone with any child.

(D) The department may require a background check for any other adult who is routinely present at the facility during child care hours.

(E) Any individual who is required to have a background check who is not a resident of Missouri shall also obtain a background check from the state of residence.

(F) Any individual who is required to have a background check who has been a resident of Missouri for less than one (1) year shall also obtain a background check from the previous state(s) of residence.

(G) Results of all background checks shall be on file at the facility prior to the issuance of an initial license. The results shall be dated not more than six (6) months prior to the date of initial licensure.

(H) After the initial background check, the licensee shall request an updated background check for each required individual at least every two (2) years from the last response.

(I) All background check results shall be maintained at the facility in a confidential manner.

(J) The department shall evaluate any information from background checks and any other available information indicating that an individual might present a threat to the health, safety or welfare of children at the facility. The department may require that the licensee obtain and submit additional information as needed. After review, the department may prohibit the person from being present in the facility during child care hours.

(3) Staff Health Requirements.

(A) Staff shall be in good physical and mental health with no conditions which would interfere with child care responsibilities.

(B) Staff who work more than twenty (20) hours per month in the child care facility during child care hours shall have a medical examination report within thirty (30) days of beginning employment at the facility.

(C) Medical examination reports shall be signed by a licensed physician, an advanced practice nurse, registered professional nurse, or registered nurse who is under the supervision of a licensed physician, and shall be on file at the facility at the time of initial licensure or within (30) thirty days of beginning employment at the facility.

(D) Medical examination reports shall be completed not more than twelve (12) months prior to beginning work in a facility and may be transferable to another child care facility for subsequent employment.

(E) The bureau's medical examination report form shall be used, or the facility may use its own form if it contains all the information on the bureau's form.

(F) At the time of initial licensure, or within thirty (30) days of beginning work at the facility, all staff shall have a Mantoux tuberculin (TB) skin test, and/or appropriate follow-up of a previous examination that indicates the individual is free of contagion. A chest x-ray or a Tine test shall not be accepted as an alternative to a Mantoux skin test. The Mantoux tuberculin skin test and/or required follow-up shall be completed not more than twelve (12) months prior to the individual beginning work in a facility and may be transferable to another child care facility for subsequent employment.

(G) Any staff member who has a positive or previously positive TB skin test at the time of beginning work at the facility shall have the following on file at the facility:

1. A completed Missouri Department of Health and Senior Services Tuberculin Testing Record (TBC-4 form) signed by a local public health agency (LPHA); and

2. An Annual Statement for Tuberculin Reactors (a signs and symptoms review) completed annually by an LPHA nurse or a physician.

(H) Staff members with negative TB skin test results at the time of beginning work do not need annual Mantoux skin tests.

(I) Staff shall not work when ill if the health or well-being of children is endangered.

(J) If at any time the bureau has reason to question the physical or emotional health of any adult working or volunteering in the facility, the department shall require a physical or mental examination of these persons.

(4) Facility Director.

(A) General Requirements.

1. The facility shall have a qualified director who is approved by the bureau.

2. The director shall be responsible for supervision of caregivers, and for planning, organizing, leading and monitoring the facility's daily program and curriculum.

3. An owner or administrator may be responsible for employment of staff, enrollment of children, building maintenance, purchasing and other fiscal matters without meeting the education and experience requirements of the director. However, a qualified individual must be employed to perform the director's responsibilities specified in 19 CSR 30-62.100(4)(A)2.

4. The director shall be twenty-one (21) years of age or older. The director shall be routinely on duty on the premises a minimum of thirty-five (35) hours per week during the hours of highest attendance.

5. If the facility operates less than thirty-five (35) hours per week, the director shall be routinely on duty on the premises at least seventy-five percent (75%) of the operating hours.

6. The director shall not be engaged in any other employment while on duty.

7. In the absence of the director, another responsible individual shall be designated in charge of the facility.

8. The owner(s), board president or chairperson shall notify the bureau within five (5) working days if the approved director is no longer employed in that position.

9. The owner(s), board president or chairperson shall have a qualified director, who is approved by the bureau, at work at the facility within ninety (90) calendar days of the position becoming vacant.

(B) Education and Experience Requirements.

1. The director shall meet the following education and experience requirements as determined by the licensed capacity of the facility:

Licensed Capacity	Education and Experience
Up to 30 Children	Thirty (30) college semester hours, with six (6) of the thirty (30) hours in child-related courses; or twelve (12) months' experience with six (6) college semester hours in child-related courses; or a CDA credential.
31-60 Children	Sixty (60) college semester hours. Twelve (12) of the hours must be in child-related courses; or twenty-four (24) months' experience and twelve (12) college semester hours in child-related courses.
61-99	Ninety (90) college semester hours. Eighteen (18) of the ninety (90) hours must be in child-related courses; or thirty-six (36) months' experience and eighteen (18) college semester hours in child-related courses.
100 or More	One hundred twenty (120) college semester hours. Twenty-four (24) of the one hundred twenty (120) hours must be in child-related courses. Six (6) of the twenty-four (24) college semester hours may include courses in personnel or business management; or four (4) years' experience and twenty-four (24) college semester hours in child-related courses. Six (6) of the twenty-four (24) college semester hours may include courses in personnel or business management.

2. A Child Development Associate (CDA) credential shall be considered the equivalent of twelve (12) months of experience and six (6) college semester hours in child-related courses toward meeting the educational and experience requirements for director of any size facility.

3. College credit hours earned as a part of a CDA credential may count as additional college credit hours if they are documented on a transcript.

4. All experience must have been responsible, supervised, full-time (minimum of thirty-five (35) hours per week), paid experience in working with children in a child care setting. Part-time experience may be prorated to a full-time equivalent.

5. Each month of full-time experience may be substituted for two (2) college semester hours in unspecified courses, but not for the required child-related courses.

6. All college semester hours must have been received from a college or university accredited by a national or a regional organization as an institution of higher learning.

7. The required child-related courses may include early childhood education, elementary education, child development, child psychology, nutrition, first aid, recreation, nursing, health, family studies, social work, sociology or other related areas approved by the bureau.

8. Documents that verify the required education and experience of the director shall be on file with the bureau prior to beginning employment. Verification may include original documents or copies of the original documents if the original documents have been viewed by the bureau. Such documents may include official college transcripts bearing the seal of the college or university, original course grade reports, diplomas, etc. If the bureau has reason to question the verification document(s), additional documentation may be required.

(5) Staff Facility Orientation.

(A) Each newly hired facility director, caregiver, and volunteer counted in caregiver/child ratio shall receive a facility orientation no later than one (1) week after being employed or volunteering and before having sole responsibility for children.

(B) A facility orientation shall include a tour of the building and premises and a review of:

1. The facility's license and its limitations;
2. Licensing Rules for Group Child Care Homes and Child Care Centers;
3. The facility's written child care practices as defined in 19 CSR 30-62.042(6)(C);
4. The facility's staff policies as defined in 19 CSR 30-62.042(6)(D);
5. Infection control;
6. Injury prevention;

7. Procedures for responding to common childhood emergencies, including choking, and location of the list of staff trained in cardiopulmonary resuscitation (CPR) and first aid;

8. Emergency procedures in the event of severe weather or fire, including locations of exits and use of fire extinguishers and alarm systems;

9. The daily schedule;

10. Employees' assigned duties and responsibilities;

11. The names and ages of the children for whom the caregiver will be responsible and any individual special health, nutritional or developmental needs;

12. Location of children's records;

13. Each employee's mandated responsibility to report any suspected child abuse/neglect to the Family Support Division at the toll free number 1-800-392-3738.

(C) Within one (1) week of being employed or volunteering and before having sole responsibility for children, the licensee shall secure a signed statement from each individual acknowledging s/he has completed the required staff facility orientation. The statement will be maintained in each employee's file.

(6) Child Care Training.

(A) The facility director and all other caregivers shall obtain at least twelve (12) clock hours of child care training during each calendar year January 1 through December 31. This requirement shall not apply to individuals working less than twenty (20) hours per month.

(B) For the first partial year of licensure or employment, the requirement for training hours may be prorated to equal one (1) training hour for each full month of employment through December 31.

(C) Training shall be approved by the bureau and may include: health; safety; nutrition; guidance and discipline; child growth and development; child abuse/neglect; developmentally appropriate curriculum; cultural and individual diversity; positive communication and interaction with families; planning and setting up an appropriate environment for children; professional and administrative practices; and other child related areas.

(D) If the current year's training hours have been met, training hours taken in October, November, or December of the calendar year may carry over to the next year.

(E) All training shall be documented with the dates, the number of hours of training completed, the subject and the name of the individual(s) who conducted the training. This information shall be on file at the facility and available for review.

(F) Training credits may be transferred from one child care facility to another, with required documentation.

(G) Each newly hired facility director, caregiver, and volunteer counted in caregiver/child ratio shall complete eight (8) hours of

Child Care Orientation Training (CCOT) developed by the bureau. The training shall be completed within twelve (12) months of beginning to work with children and may count toward required annual training.

(H) Within one (1) year of beginning care for infants or toddlers, caregivers shall obtain Child Care Orientation Training Plus (CCOT+) training in the care of infant/toddlers. This training will count toward required annual training.

(I) Training subsequent to CCOT or CCOT+ shall be approved by the bureau and shall be based on core competencies needed by caregivers to provide quality care. Core competencies include:

1. Child growth and development;
2. Learning environment and curriculum;
3. Child observation and assessment;
4. Families and communities;
5. Health, safety and nutrition;
6. Interactions with children;
7. Program planning and development; and
8. Professional development and leadership.

(J) Child care training shall be presented by a qualified trainer approved by the bureau.

(K) Facility director and/or staff may conduct up to three (3) of the required twelve (12) clock hours of child care training for staff at any facility.

(L) A yearly log of completed training, with the training certificates attached, shall be maintained for each caregiver.

(M) Prior to initial licensure, at least one (1) staff member shall have documentation of training in age-appropriate first aid, rescue-breathing and the Heimlich maneuver provided by the American Red Cross or by a health professional certified in first aid training. The documentation shall be on file at the facility. A staff member with this documented training shall be on duty at all times when child care is provided. (GF)

(N) Within six (6) months of beginning work in a facility, all caregivers counted in caregiver/child ratios shall provide current documentation of training in age-appropriate first aid, rescue-breathing and the Heimlich maneuver provided by the American Red Cross or by a health professional certified in first aid training. The documentation shall be on file at the facility.

(O) The first aid training shall include the emergency management of:

1. Bleeding;
2. Burns;
3. Poisoning;
4. Choking;
5. Injuries including insect, animal and human bites;
6. Shock;
7. Convulsions or non-convulsive seizures;
8. Musculoskeletal injury, such as sprains, fractures;
9. Dental emergencies;
10. Head injuries;
11. Allergic reactions;
12. Eye injuries;
13. Loss of consciousness;
14. Electric shock; and
15. Drowning.

(P) The first aid and CPR training shall not count toward the annual required training.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities \$40,642,660 annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.100 Staff Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 100 Staff Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,124	Group Child Care Homes and Child Care Centers	\$40,642,660.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (% of work not delineated in Fiscal Notes) X (Average Annual Qualified Director Salary) = Aggregate Cost for Qualified Directors
 $(2124) \times (.90) \times (\$20,800) = \$39,761,280.00$

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Orientation Aggregate
 $(2124) \times (16) \times (\$10) = \$339,840.00$

(Number of New Facility Staff) X (Cost of Screening) = Background Screening Aggregate
 $(6,372) \times (\$5) = \$31,860.00.$

(Number of Affected Facility Staff) X (Annual Clock Hours Training Cost) = Annual Training Aggregate
 $(12,742) \times (\$20) = \$254,840.00.$

(Number of Affected Facility Staff) X (Annual Cost of First Aid/Rescue Breathing) = Annual First Aid/Rescue Breathing Aggregate
 $(12,742) \times (\$20) = \$254,840.00$

Total Aggregate Cost = \$40,642,660.00

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. Approximately ninety (90) percent of a facility directors responsibilities, i.e. staff supervision, business management, etc., are not "licensing related" as defined in these private fiscal notes.
4. It is estimated that it will take the facility director sixteen (16) hours to develop, implement and provide staff orientation training, monitor and plan training requirement and oversight of other staff training requirements.
5. Based on the capacity of Group Child Care Homes and Child Care Centers it is estimated that each program on average has five (5) caregivers in addition to the facility director. In the currently 2, 124 licensed Group Child Care Homes and Child Care Centers, this represents a total of 12,744 staff.
6. BCC estimates that there is a fifty (50) percent annual turnover ratio in Group Child Care Homes and Child Care Centers.
7. The cost of a background screening through the Child Care Family Register is five dollars (\$5.00). This is a one-time expense and can be rechecked without additional cost to the provider.
8. The cost of a staff medical examination is estimated at approximately fifty dollars (\$50.00). General practice at Group Child Care Homes and Child Care Centers, however, is to have the caregiver shoulder this expense as a cost of employment.
9. Child Care Orientation Training (CCOT) is required of all staff during their first year of employment, but is provided by the BCC at no expense to the provider.
10. First Aid and Rescue Breathing Certification will be required of all child care staff. It is estimated that the cost for acquiring this training will be twenty dollars (\$20.00) per caregiver.
11. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers**

PROPOSED RESCISSION

19 CSR 30-62.102 Personnel. This rule defined the general, educational and training requirements for staff.

PURPOSE: The Department of Health and Senior Services has addressed these requirements in another revised rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-62.091, 13 CSR 40-62.102 and 19 CSR 40-62.102. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers**

PROPOSED RESCISSION

19 CSR 30-62.112 Staff/Child Ratios. This rule provided the number of staff required for specific ages and numbers of children in care.

PURPOSE: The Department of Health and Senior Services has addressed these requirements in another revised rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.100, 13 CSR 40-62.112 and 19 CSR 40-62.112. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.112, effective Dec. 9, 1993. Changed to 19 CSR 30-62.112 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care,

Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.112 Caregiver/Child Ratios

PURPOSE: This rule sets forth the number of caregivers required for specific ages and numbers of children in care.

NOTE: Current rules with a “grandfather clause” will be identified by the symbol (GF) after the affected rule.

(1) In a licensed group child care home or child care center, any child who comes into the facility for care, including any child related to the licensee, shall be counted in the licensed capacity.

(2) If a facility is owned by a legal entity such as a corporation or a limited liability company, no child shall be considered related to the licensee, as such legal entities cannot have relatives.

(3) Each group in the preschool unit composed exclusively of two (2) year old children shall have a ratio of not less than one (1) caregiver to eight (8) children at all times.

(4) The following caregiver/child ratios and group sizes for preschool and school-age children shall be maintained in the licensed physical plant at all times: (GF)

(A) Any group that includes one (1) or more two (2) year olds shall have no less than one (1) caregiver to eight (8) children, with a maximum group size of sixteen (16) children. The group size limitation does not apply to facilities licensed for twenty (20) or fewer children.

(B) Any group that includes one (1) or more three (3) or four (4) year olds shall have no less than one (1) caregiver to every ten (10) children, with a maximum group size of twenty (20) children.

(C) Any group composed solely of five (5) year olds and older shall have no less than one (1) caregiver to every sixteen (16) children, with a maximum group size of thirty-two (32) children.

Age of Youngest Child in Group	Caregiver/Child Ratio	Maximum Group Size if Licensed for More Than Twenty Children
2 years	1:8	16
3 or 4 years	1:10	20
5 years old and older only	1:16	32

(5) The above caregiver/child ratios shall also be maintained during outdoor play.

(6) The required number of caregivers to children shall be doubled when children are using any swimming or wading pool.

(7) The required number of caregivers to children shall be doubled when children are taken on a field trip. Parent(s), legal guardian, or legal custodian and other volunteers may be included in the

caregiver/child ratio if they are directly supervised by a facility caregiver at all times.

(8) If a center has an attendance of more than fifty (50) children, the center director or individual in charge shall not be included in caregiver/child ratios.

(9) If a center has a total attendance of more than twenty (20) children and provides infant/toddler care, the center director or individual in charge shall not be included in caregiver/child ratio in the infant/toddler unit.

(10) If a center has an attendance of more than twenty (20) children at breakfast, lunch or dinner time, staff shall be provided for meal preparation, serving and clean-up. This staff shall not be included in caregiver/child ratios during this time.

(11) Individuals employed for clerical, housekeeping, cleaning and maintenance shall not be included in caregiver/child ratios while performing those duties.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2000. This rule previously filed as 13 CSR 40-62.100, 13 CSR 40-62.112 and 19 CSR 40-62.112. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.112, effective Dec. 9, 1993. Changed to 19 CSR 30-62.112 July 30, 1998. Rescinded and read-opted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities \$132,573,600 annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.112 Caregiver/Child Ratios
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 112 Caregiver/Child Ratios
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,124	Group Child Care Homes and Child Care Centers	\$132,537,600.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Average Number of Caregiver Staff) X (Average Caregiver Salary) = Total Aggregate Caregiver Salary Cost (Excludes the Approved Facility Director)
 (2124) X (5) X (\$12,480) = \$132,537,600.00
 Total Aggregate Cost = \$132,537,600.00.

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. Caregiver staff annual salary is estimated at \$12,480 per year (\$6.00 per hour).
3. Based on the capacity of Group Child Care Homes and Child Care Centers it is estimated that each program on average has five (5) caregivers in addition to the facility director.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.120 Children's Enrollment

PURPOSE: This rule defines enrollment policies and procedures for children in care.

(1) A child shall not be denied admission to or the benefits of any program provided by a licensed facility on the basis of race, sex, religion, national origin, or disability.

(2) A copy of the facility's written policies pertaining to child care practices as defined in 19 CSR 30-62.042(6)(C) shall be provided to the parent(s), legal guardian, or legal custodian at the time of enrollment.

(3) The licensee shall have available at the facility a copy of the Licensing Rules for Group Child Care Homes and Child Care Centers and shall inform parent(s), legal guardian, or legal custodian that it is available for them to review.

(4) The licensee shall develop and implement a procedure for enrolling children. This procedure shall be completed before the child begins attendance and shall include:

(A) A personal interview with the parent(s), legal guardian, or legal custodian and child to exchange information and arrive at a mutual decision about enrolling a child;

(B) Discussion of the method for continuing communication between the facility and the parent(s), legal guardian, or legal custodian;

(C) Discussion of the plan for providing for the care of the ill child as required by 19 CSR 30-62.140(1), (2), (3), and (4);

(D) Discussion of the parental plan for providing for the care of the school-age child on scheduled days of school closings;

(E) Completion by the parent of an enrollment form(s) furnished by the licensee that shall include:

1. The child's full name, address, birthdate, the date care begins and the date care ends;

2. Full name, home address, employers' name and address, work schedule, and home and work telephone numbers of the parent(s), legal guardian, or legal custodian;

3. Name, address and telephone number of an adult emergency contact who can be called and be available in an emergency when the parent(s), legal guardian, or legal custodian cannot be reached;

4. Name and phone number of the physician and/or hospital to be used in an emergency;

5. Instructions for action to be taken if the parent(s), legal guardian, legal custodian, adult emergency contact, or physician cannot be reached in an emergency;

6. Name of the individual(s) authorized by the parent(s), legal guardian, or legal custodian to take the child from the facility;

7. Information and documentation regarding a child's physical or medical conditions, behavior patterns, habits and any special needs;

8. Permission for field trips, transportation to and from school, and other transportation;

9. Permission for school-age children to participate in supervised activities away from the facility unaccompanied by a caregiver if the facility has prior written permission from the child's parent(s), legal guardian or legal custodian for the child's participation, including:

- A. The date and description of the activity;
- B. The time of leaving and returning;

C. The person responsible for supervision; and

D. The method of transportation to and from the activity;

(F) Acknowledgment by the parent(s), legal guardian, or legal custodian that:

1. They have received a copy of the facility's written policies pertaining to child care practices;

2. They have been informed that the licensing rules for Group Child Care Homes and Child Care Centers in Missouri are available at the facility for review;

3. They and the facility have agreed to communicate regarding the child's development, behavior and individual needs;

4. They agree to keep the facility updated on any change in information on the enrollment form;

5. They have been informed and agree that the child may not be accepted for or remain in care when ill as specified in 19 CSR 30-62.140(2) and (3).

6. They understand that the facility will contact or notify them about any medical emergency, accident, injury, or at-risk situation as required in 19 CSR 30-62.140(6);

(G) Documentation indicating that a child has completed age-appropriate immunizations, is in the process of completing immunizations or is exempt from immunization requirements as defined in 19 CSR 30-62.140(5);

(H) A medical examination report for each child completed not more than twelve (12) months prior to admission. This report shall be on file at the facility within thirty (30) days following admission and shall be signed by a licensed physician, advanced practice nurse, physician's assistant, or registered nurse who is under the supervision of a licensed physician;

(I) The examination report shall document if a child's medical history and current state of health are satisfactory for participation in a child care program;

(J) Medical examination requirements shall not apply to any child if the parent(s), legal guardian, or legal custodian files a signed statement of objection based on religious beliefs;

(K) If infant/toddler care is provided in a unit auxiliary to a licensed facility for older children, placement of a two (2) year old in either the infant/toddler unit or the unit for older children shall be determined in consultation with the parent(s), legal guardian, or legal custodian. The two (2) year old child shall not be moved back and forth between the infant/toddler and the preschool unit;

(L) The facility shall have on file an individualized plan for specialized care for any child who has a special need. Special need refers to those children with developmental disabilities, mental retardation, emotional disturbance, sensory or motor impairment, or significant chronic illness who require special health surveillance or specialized interventions, technologies, or services;

(M) The individualized plan shall be on file on the child's first day of care or within thirty (30) days of the facility's initial recognition of a child's possible special need;

(N) The individualized plan for specialized care must be from a professionally qualified source for the particular special need or needs, for example a physician, nurse, therapist, special teacher, etc.;

(O) Caregivers responsible for the care of a child with special needs must have access to the individualized plan and instructions for any specialized care for the child and adhere to the plan for care;

(P) The licensee shall assess the ability of the facility to provide care for each child while assuring that care of any child shall not negatively impact the health, safety and responsible care of other children in attendance;

(Q) Licensees shall make reasonable accommodations to meet the individual needs of children in care. Licensees may request a variance to modify the physical plant, equipment, materials and/or program in order to accommodate a child with special needs;

(R) After attempts have been made and documented to meet a child's individual needs, any child who demonstrates an inability to benefit from the care offered by the facility or whose presence has

been documented to interfere with the care of other children may be discharged from the facility;

(S) Licensees shall be familiar with the Americans with Disabilities Act (ADA) and their responsibilities therein;

(T) Care of a child may be discontinued if the licensee and the parent(s), legal guardian, or legal custodian cannot establish a mutually satisfactory working relationship;

(U) If a licensee enrolls children for irregular or intermittent care, all procedures for admitting children shall be followed. Children enrolled on an irregular or intermittent basis shall be accepted only by appointment and shall not cause the facility to exceed its licensed capacity or caregiver/child ratios; and

(V) During child care hours, parent(s), legal guardian, or legal custodian shall have access to their child(ren) and any space used by children.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities two hundred twelve thousand four hundred dollars (\$212,400) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.120 Children's Enrollment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 120 Children's Enrollment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,124	Group Child Care Homes and Child Care Centers	\$212,400.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(2,124) X (10) X (\$10.00) = \$212,400.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the facility director ten (10) hours to complete and maintain enrollment procedures with parents and staff for each child enrolled.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers**

PROPOSED RESCISSION

19 CSR 30-62.122 Medical Examination Reports. This rule defined the requirements for medical examinations for caregivers and children in care.

PURPOSE: The Department of Health and Senior Services has addressed these requirements in another revised rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This was previously filed as 13 CSR 40-62.110, 13 CSR 40-62.122 and 19 CSR 40-62.122. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.125 Care and Supervision of Children

PURPOSE: This rule sets forth the requirements for the care of children, including supervision, child protection, guidance and discipline, daily activities, diapering, toilet training, emergency drills.

(1) Care of the Child.

(A) Supervision.

1. A caregiver shall admit each child upon arrival and shall dismiss each child upon departure. Children shall be dismissed only to the parent(s), legal guardian, or legal custodian or to individuals approved by the parent(s), legal guardian, or legal custodian, and listed on the child enrollment form.

2. The facility director shall assure that the parent(s), legal guardian, or legal custodian, of each child shall sign in and sign out their child(ren), recording arrival and departure times. The documentation shall also include the month, date, and year.

3. Whenever a child is transported by someone other than parent(s), legal guardian, or legal custodian, a facility caregiver shall be responsible for signing child(ren) in and out upon each arrival and departure.

4. With parent's(s'), legal guardian's, or legal custodian's written instructions on file, the licensee may permit a school-age child to

arrive at the facility and to leave without an adult escort. A caregiver shall sign the child in and out.

5. The licensee shall obtain an estimated time of arrival from the parent whenever a child walks or is transported by someone other than parent(s), legal guardian, or legal custodian or facility employee. The facility director shall notify the child's parent(s), legal guardian, or legal custodian if the child fails to arrive at the facility within fifteen (15) minutes of the estimated arrival time.

6. Each child shall be supervised and accounted for with frequent, direct contact by a caregiver(s) indoors and outdoors.

7. Caregivers shall conduct a "face-to-name" identification and count of children whenever there is a change of caregiver.

8. Children under three (3) years of age and any that require special assistance shall be directly observed and assisted while in the bathroom.

9. While children are napping or resting, a caregiver shall remain in the room and be able to see and hear each child.

10. Each caregiver supervising children who are resting or napping shall be responsible for no more than twenty (20) children. Additional staff required to meet caregiver/child ratio shall remain in the same building and on the same floor.

11. A caregiver who is alone with children shall be able to summon another caregiver(s) for emergency assistance without leaving the children.

12. Caregivers shall provide individual attention and be responsive to the various needs of each child such as thirst, hunger, diaper change, fear of or aggression by other children, or difficulty adjusting to a new child care setting.

(B) Child Protection.

1. No person who represents a threat to the health, safety or welfare of the children shall be present at the facility during the hours in which child care is provided.

2. Children shall not be subjected to child abuse/neglect as defined by section 210.110, RSMo, while in the care and supervision of the facility.

3. All staff shall acquaint themselves with the child abuse and neglect law and shall make a report of any suspected child abuse or neglect to the Family Support Division at the toll free number 1-800-392-3738.

4. Caregivers shall monitor children for signs or symptoms of child abuse/neglect.

5. Within one (1) working day, the licensee shall notify the bureau of the following:

A. The death of any child while in the facility's care or any child that is enrolled at the facility who dies of a contagious disease;

B. Any injury to a child that requires hospitalization or emergency medical treatment when that injury occurs while the child is in the facility's care; or

C. Any incident in which a child(ren) was left without supervision at the child care facility, left at a field trip or transportation site, left alone in a vehicle, or where a child leaves the facility without caregiver's knowledge.

(C) Caregiver/Child Interactions.

1. Caregivers shall promote children's healthy social and emotional development through:

A. Caregiver behavior and interactions which emphasize and foster a positive environment of respect and cooperation between adults, adults and children, and between children; and

B. Talking with, playing with, holding, and providing children with a nurturing environment.

2. Caregivers shall not engage in any interaction with children that is humiliating, demeaning, belittling, threatening or frightening to children.

(D) Guidance and Discipline.

1. Caregivers shall use positive, age-appropriate guidance to help develop the child's own ability to become self-disciplined.

2. The licensee shall establish simple, age-appropriate limits for children's behavior. Caregivers shall explain the limits to the children and review them at the time behavior is corrected.

3. Praise and encouragement of good behavior shall be used instead of focusing only upon unacceptable behavior.

4. Firm, positive statements or redirection of behavior shall be used.

5. Brief, supervised separation from the group may be used to enable the child to regain self-control after other methods such as redirection have been used. This separation shall be based on a guideline of no more than one (1) minute for each year of the child's age.

6. Physical punishment shall be prohibited, even if parent(s), legal guardian, or legal custodian have given permission. Physical punishment includes, but is not limited to:

A. Spanking, slapping of hands, slapping or swatting, punching, kicking, shaking, striking with the hand or an object, handling roughly, pulling hair, pinching, biting, washing mouth out with soap, taping mouth or placing items in the mouth (i.e., pepper or hot sauce, tissue paper, etc.) or other measures that produce physical pain or distress;

B. Restricting children's movement through binding, tying, taping or other harmful means of restraint. For the purpose of this rule, this does not include safety belts for high chairs or vehicles;

C. Confining in a space such as a closet, closed or dark room, box or cubicle, or other place that would be frightening to a child;

7. Children shall not be subjected to derogatory remarks about themselves or their families, abusive or profane language, yelling or screaming, threats, frightening language or behavior, rejection, terrorizing, or ridiculing.

8. No discipline technique which is humiliating, threatening or frightening to children shall be used.

9. Punishment or threat of punishment shall not be associated with food, rest or toileting, including restricting a child to a high chair, playpen or cot.

10. Children shall not be permitted to intimidate or harm others, harm themselves or destroy property.

11. Caregivers shall assess the effectiveness of a discipline technique for an individual child. When current behavior management strategies do not seem to be effective, the facility director shall communicate with the parent(s), legal guardian or legal custodian to assess alternatives as permitted within the licensing rules.

12. Caregivers shall not permit one child to discipline another.

(2) Daily Activities for Children.

(A) A schedule of daily activities shall be established in written form and shall be implemented. This schedule shall include activities for all ages of children in care. These activities shall be planned and provided so that all children in care experience a variety of activities to encourage their individual language development, creativity, and physical, cognitive and social development.

(B) Daily activities for preschool and school-age children shall include:

1. Developmentally appropriate play experiences and activities planned to meet the interests, needs, abilities and desires of the children;

2. Individual attention and conversation with adults;

3. Indoor and outdoor play periods which provide a balance of quiet and active play, and individual and small group activities;

4. Free choice experiences;

5. A total of at least one (1) hour of outdoor play for children in attendance more than four (4) hours unless prevented by weather or special medical reasons.

A. Outdoor play time may be prorated to a maximum of thirty (30) minutes for children in attendance four (4) hours or less per day.

B. Children shall not be exposed to extreme elements, based on wind chill factor or heat index;

6. Toileting and hand washing times;

7. Regular snack and meal times;

8. A supervised nap or rest period after the noon meal for children in care more than four (4) hours a day.

A. Preschool children who do not sleep shall rest on approved napping equipment at least thirty (30) minutes but shall not be forced to remain on napping equipment for a longer period. They shall then be permitted to engage in quiet play.

B. School-age children shall have a quiet time after the noon meal with approved napping equipment available for those who wish to nap or rest; and

9. A study time for school-age children who choose to do homework, with a separate, quiet work space.

(C) Children shall be encouraged but not forced to participate in group activities.

(D) All video materials shall be previewed and approved by the facility director to assure their appropriateness for the age of the children.

(E) Video or audio materials that are sexually explicit, profane, violent, or frightening to children shall be prohibited.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities four hundred fourteen thousand eight hundred dollars (\$414,800) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.125 Care and Supervision of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 30-62. 125 Care and Supervision of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,124	Group Child Care Homes and Child Care Centers	\$414,800.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(2,124) X (20) X (\$10.00) = \$414,800.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the facility director twenty (20) hours to provide specialized observation at it relates the supervision, care and discipline of children. This number of hours exceeds the normal supervision of staff that is accounted for in the private fiscal note for 19 CSR 30-62.100.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.130 Nutrition

PURPOSE: This rule provides the requirements for nutritious meals and snacks and methods of food service.

(1) General Requirements.

(A) The licensee shall supply and serve nourishing food according to the Meal and Snack Food Chart provided in this rule.

(B) The required meal schedule shall include breakfast or a mid-morning snack, lunch and a midafternoon snack for children in care during daytime hours, with a maximum time of four (4) hours between any meal or snack.

(C) Preschool children enrolled only for part day morning or afternoon care shall receive a snack.

(D) School-age children shall be served a snack after school.

(E) Children in care between the hours of 6:00 p.m. and 9:00 p.m. shall be served a snack. Upon parental request, children in care between the hours of 6:00 p.m. and 9:00 p.m. shall be served supper, and children who are in care overnight shall be served breakfast.

(F) Snacks of fruit or vegetable, fruit juice, milk, crackers, cheese, peanut butter or similar nutritious food shall be served.

(G) One (1) serving of fluid milk shall be served with each meal.

(H) If the facility is licensed exclusively for hourly care, the child may be permitted to bring sack meals. The licensee shall supply one (1) serving of fluid milk with each sack meal and shall supply nutritious snacks.

(I) The acceptable food components and serving sizes for meals and snacks are outlined in the following chart for each age group. Menus and amounts served shall be based on this chart.

Meal and Snack Food Chart

		Age	Age	Age
	Food Components	1 and 2	3-5	6-12
BREAKFAST	Fluid Milk***	1/2 cup	3/4 cup	1 cup
Requirement— 1 serving from each of the 3 food components	Juice** or Fruit or Vegetable Bread or Bread Alternate*	1/4 cup 1/2 slice*	1/2 cup 1/2 slice*	1/2 cup 1 slice*
SNACK—Requirement—2 servings selected from 2 of the 4 food components	Fluid Milk*** Juice** or Fruit or Vegetable Meat or Meat Alternate	1/2 cup 1/2 cup 1/2 ounce	1/2 cup 1/2 cup 1/2 ounce	1 cup 3/4 cup 1 ounce
LUNCH/SUPPER Requirement—1 serving of milk component	Bread or Bread Alternate* Fluid Milk***	1/2 slice* 1/2 cup	1/2 slice* 3/4 cup	1 slice* 1 cup
1 serving from the meat/meat alternate component	MEAT OR MEAT ALTERNATE Meat, Poultry, or Fish or Cheese or Egg or Cooked Dry Beans and Peas or Peanut Butter	1 ounce 1 ounce 1 1/4 cup 2 tablespoons	1 1/2 ounces 1 1/2 ounces 1 3/8 cup 3 tablespoons	2 ounces 2 ounces 1 1/2 cup 4 tablespoons
2 servings from the fruit/vegetable component	FRUIT/VEGETABLE 1 Vegetable and 1 Fruit or 2 Different Vegetables or 2 Different Fruits	1/4 cup total	1/2 cup total	3/4 cup total
1 serving of Bread from the bread component	Bread or Bread Alternate*	1/2 slice*	1/2 slice*	1 slice*

* Or an equivalent serving of an acceptable bread alternate such as cornbread, biscuits, rolls, muffins, cereal, rice, pasta, and the like.

** All fruit juices shall be one hundred percent (100%) fruit juice.

*** See 19 CSR 30-62.130(1)(J) for acceptable milk supply.

(J) The water and milk supply, and the method of dispensing, shall be approved by local or state health authorities, or both. Powdered milk shall not be used except for cooking purposes. Milk substitutes shall not be used for drinking or cooking.

(K) Mealtime atmosphere shall be enjoyable and relaxed. No child shall be forced to eat, but shall be encouraged to set his/her own pace according to personal preferences.

(L) When family style food service is used, a caregiver shall sit at each table with children during the meal. With other types of food service, caregivers shall closely supervise and assist children during the meal.

(M) A current menu shall be posted and visible to parent(s), legal guardian or legal custodian. The menu shall be changed to note any substitutions.

(N) Drinking water shall be located conveniently near playrooms and outdoors the playground so children may be free to drink as they wish. Water fountains or individual cups shall be used.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-62.180, 13 CSR 40-62.202, 19 CSR 40-62.202 and 19 CSR 30-62.202. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities two hundred twelve thousand four hundred dollars (\$212,400) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.130 Nutrition
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency and Political Subdivisions	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 130 Nutrition
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,124	Group Child Care Homes and Child Care Centers	\$212,400.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(2,124) X (10) X (\$10.00) = \$212,400.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the facility director ten (10) hours to plan menus and maintain records on nutrition services.
4. The salary for the cook is accounted for in the previous staff calculation in the private fiscal note for 19 CSR 30-62.112.
5. Even though approximately thirty (30) percent of the facilities receive food reimbursement through the USDA, Child Care Food Program, those funds are applied directly to the cost of meals and snacks and do not affect the time the provider invests in menu planning, meal preparation and record keeping.
6. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers

PROPOSED RESCISSION

19 CSR 30-62.132 Admission Policies and Procedures. This rule defined admission policies and procedures for children in care.

PURPOSE: The Department of Health and Senior Services has addressed these requirements in another revised rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.120, 13 CSR 40-62.132 and 19 CSR 40-62.132. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes

PROPOSED RULE

19 CSR 30-62.140 Health Practices, Promotion and Protection

PURPOSE: This rule sets forth the requirements for reporting communicable diseases, caring for a child when ill, medication, emergency care and hand washing.

(1) Reportable Diseases.

(A) The facility director shall report to the local health department if any child at the facility is suspected of having a reportable disease as defined by section 210.003, RSMo.

(B) In the event of an outbreak of communicable disease at the facility, caregivers shall implement control measures recommended by a local state health authority as required by the department.

(C) Each child's parent(s), legal guardian, or legal custodian shall be notified on the day that any child or adult at the facility is identified as having a contagious disease. This requires that written information regarding the contagious disease be posted in a location designated for the purpose of sharing information with parent(s), legal guardian, or legal custodian or that parent(s), legal guardian, or legal custodian be individually notified. A copy of the notification shall be maintained in the facility's file.

(2) Observation for Illness.

(A) Each child shall be observed for contagious diseases and for other signs of illness on arrival and throughout the day.

(B) Unusual behavior shall be monitored closely and parent(s), legal guardian, or legal custodian shall be contacted if the behavior continues or if other symptoms develop. These behaviors include, but shall not be limited to:

1. Is cranky or less active than usual;
2. Cries more than usual;
3. Feels general discomfort or seems unwell; or
4. Has loss of appetite.

(C) The parent(s), legal guardian, or legal custodian shall be contacted when signs of illness are observed. The time of parental contact will be documented, and the decision made shall be recorded and filed in the child's record.

(3) Exclusion from Care.

(A) If a child exhibits any of the following symptoms, s/he shall not be accepted for care or must be sent home if symptoms occur after the child's arrival:

1. Fever equal to or greater than one hundred one degrees Fahrenheit (101°F) by mouth or one hundred degrees Fahrenheit (100°F) under the arm;
2. Symptoms and signs of possible severe illness until medical professional evaluation finds the child able to be included at the facility. Symptoms and signs of possible severe illness shall include:
 - A. Lethargy that is more than expected tiredness;
 - B. Uncontrolled coughing;
 - C. Inexplicable irritability or persistent crying;
 - D. Difficulty breathing;
 - E. Wheezing; or
 - F. Other unusual signs for the child.
3. Diarrhea—more than one (1) abnormally loose stool. If a child has one (1) loose stool, s/he shall be observed for additional loose stools or other symptoms;
4. Blood in stools not explainable by dietary change or hard stools;
5. Vomiting more than once;
6. Persistent abdominal pain (continues more than two (2) hours) or intermittent pain associated with fever or other signs or symptoms;
7. Purulent conjunctivitis (defined as pink or red conjunctiva with white or yellow eye discharge), until after treatment has been initiated;
8. Rash with fever or behavior change;
9. Sore throat or trouble swallowing;
10. Headache and stiff neck;
11. Severe itching of the body or scalp, or scratching of the scalp, which may be symptoms of lice or scabies; and
12. A child who is in the contagious period of a disease.

(B) If a child arrives at the facility and is not accepted for care, the decision and symptoms exhibited by the child will be documented and filed in the child's record.

(C) The child who becomes ill while in care shall be isolated from the other children and supervised until the parent(s), legal guardian, or legal custodian arrives.

(D) If a child is sent home due to illness, the symptoms exhibited by the child, the time of parental contact and the time the child is picked up shall be recorded and filed in the child's record.

(E) A child who has been excluded from care due to illness, may return to care after:

1. A physician states in writing that the period of contagion has passed; or
2. The symptoms described in 19 CSR 30-62.140(3) are no longer exhibited by the child; or
3. A physician gives written authorization for the child to return to care.

(4) Medication.

(A) Any medication, prescription and nonprescription, shall be administered to a child only with the written, dated and signed per-

mission of the parent(s), legal guardian, or legal custodian stating the length of time the medication may be administered and the specific time and amount for each dosage.

(B) Any prescription medication shall be in the original container and labeled by the pharmacist or physician with the child's name and instructions for administration, including the times and amounts for dosages and the physician's name. This may include sample medication provided by a physician, if properly labeled.

(C) Any nonprescription medication shall be in the original container. It shall be labeled by the parent(s), legal guardian, or legal custodian with the child's name, and instructions for administration, including the times and amounts for dosages. The manufacturer's instructions shall be followed unless a physician provides written instructions otherwise.

(D) The parent(s), legal guardian, or legal custodian may give written, dated and signed permission for administering prescription medication for up to six (6) months for chronic conditions such as asthma and allergic reactions and may be renewed as necessary.

(E) The parent(s), legal guardian, or legal custodian may give dated, written and signed permission for up to one (1) year for administering over-the-counter sunscreen, insect repellent and diaper creams and may be renewed as necessary.

(F) Medication may not be given on an "as needed" basis without specific written instructions from the parent including symptoms and dosage.

(G) Any caregiver who is to administer medication shall:

1. Check that the name of the child on the medication and the child receiving the medication are the same;
2. Read and understand the label/prescription directions in relation to the measured dose, frequency, and other requirements for administration (such as being given with food);
3. Administer the medication according to the prescribed methods and prescribed dose;
4. Observe and immediately report to the parent any side effects from medications;
5. Document the administration of medication as required in 19 CSR 30-62.140(4)(H).

(H) The name of the child, name of medication, quantity given, date and time of administration, and the name of the individual giving the medication shall be recorded promptly after administration. This information shall be filed in the child's record after the medication has been dispensed as directed.

(I) Medication shall be returned to storage immediately after use and shall be stored according to 19 CSR 30-62.090(5).

(J) Medication shall be returned to the parent(s), legal guardian, or legal custodian when no longer needed.

(5) Immunizations.

(A) No child shall be permitted to enroll in or attend any child care facility caring for ten (10) or more children unless the child has been immunized adequately against vaccine-preventable childhood illnesses specified by the department in accordance with recommendations of the Immunization Practices Advisory Committee (ACIP). The parent or guardian of the child shall provide satisfactory evidence of the required immunizations. Satisfactory evidence means a statement, certificate or record from a physician or other recognized health facility or personnel, stating that the required immunizations have been given to the child and verifying the type of vaccine and the month, day and year of administration.

(B) A child who has not completed all immunizations appropriate for his/her age may enroll, if—

1. Satisfactory evidence is produced that the child has begun the process of immunization. The child may continue to attend as long as the immunization process is being accomplished according to the ACIP/Missouri Department of Health and Senior Services recommended schedule; or

2. The parent(s) or guardian has signed and placed on file with the child care administrator a statement of exemption which may be either of the following:

A. A medical exemption by which the child shall be exempted from immunization requirements upon certification by a licensed physician that the immunization would seriously endanger the child's health or life; or

B. A parent or guardian exemption, by which a child shall be exempted from immunization requirements if one (1) parent or guardian files a written objection to immunization with the child care administrator when the necessary information as determined by the department is filed with the child care administrator by the parent or guardian. Exemption forms shall be provided by the department.

(6) Accidents, Injuries, Emergency Medical Care and At-Risk Situations.

(A) In case of medical emergency, accident or injury to a child requiring emergency care, the facility director shall seek appropriate medical care and follow written parental instructions for medical care. Parent(s), legal guardian or legal custodian shall be notified of medical emergencies, accidents or injuries that require emergency medical care immediately, but no later than (30) thirty minutes after the incident.

(B) In case of other accidents, injuries, or symptoms that may need evaluation or consultation by medical personnel, the facility director shall contact the parent(s), legal guardian, or legal custodian immediately but no later than thirty (30) minutes after the incident. Examples of such incidents include, but are not limited to, any trauma to the head or face, fall from equipment, cuts, burns, or bites. The time of the parental contact and the decision reached shall be documented in the child's record.

(C) In case of minor injuries to a child, (i.e., scratches, scrapes, etc.) parent(s), legal guardian or legal custodian shall be provided written notification of the injury the same day the injury occurs.

(D) In case of a child being placed in an at-risk situation the facility director shall notify the parent(s), legal guardian, or legal custodian immediately but no later than thirty (30) minutes after the incident. This shall include, but not be limited to, any incident of child abuse/neglect, any incident in which a child(ren) was left without supervision at the child care facility, left at a field trip or transportation site, left alone in a vehicle, or where a child leaves the facility without caregiver's knowledge.

(E) The caregiver shall complete a statement regarding the date, time, circumstances, and description of any accident, injury, or at-risk situation, the time of parental notification, and any action taken. The statement shall comply with the following:

1. The written statement shall be filed in the child's record within twenty-four (24) hours;
2. Both the caregiver and the parent(s), legal guardian or legal custodian shall sign and date the statement;
3. A copy of the statement shall be provided to the parent(s), legal guardian or legal custodian upon request; and
4. The director is responsible for assuring the completion of this report.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities seven hundred forty-three thousand four hundred dollars (\$743,400) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.140 Health Practices, Promotion and Protection
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 140 Health Practices, Promotion and Protection
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,124	Group Child Care Homes and Child Care Centers	\$743,400.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(2,124) X (35) X (\$10.00) = \$743,400.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It is estimated that it will take the facility director the following number of hours to maintain health records, isolate ill children, and contact parents in the next twelve (12) month time period:
 - Ten (10) hours to maintain children's immunization records.
 - Twenty-five (25) hours to isolate ill children, contact their parents, and maintain required records.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

Title 19—DEPARTMENT OF HEALTH**Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers****PROPOSED RESCISSION**

19 CSR 30-62.142 Nighttime Care. This rule defined the requirements for facilities providing nighttime care of children.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.130, 13 CSR 40-62.142 and 19 CSR 40-62.142. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.142, effective Dec. 9, 1993. Changed to 19 CSR 30-62.142 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES****Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes****PROPOSED RULE****19 CSR 30-62.150 Transportation of Children**

PURPOSE: This rule sets forth the requirements for transporting children.

(1) General Requirements.

(A) The licensee shall be responsible for ensuring the care, safety and supervision of children any time the facility provides transportation for children.

(B) Written parental consent shall be on file prior to the facility transporting children.

(2) Vehicle and Vehicle Operator.

(A) The driver of any vehicle transporting children in care shall be at least eighteen (18) years of age.

(B) The driver shall have a valid driver license of the type appropriate for the vehicle that is used to transport children, as required by Missouri law and available for review by bureau staff.

(C) All vehicles used to transport children shall be licensed in accordance with Missouri law.

(D) All vehicles used to transport children shall be maintained in a clean, safe operating condition, free of hazardous objects which could injure children.

(E) All vehicles used to transport children shall be maintained at a comfortable temperature within a range of sixty-eight degrees Fahrenheit (68°F) and eighty-two degrees Fahrenheit (82°F).

(F) Children shall not be transported in campers, trailers or in the beds of pickup trucks, flatbeds, etc.

(3) Safety and Supervision.

(A) Children shall never be left unattended in a vehicle. A staff member shall be in or directly beside the vehicle at all times.

(B) All children shall be seated in a permanent, manufacturer's installed seat or an approved child safety seat.

(C) The vehicle's maximum seating capacity shall not be exceeded. Maximum seating capacity of the vehicle is based on the manufacturer's designated seating capacity.

(D) Children under age four (4) years or who weigh less than forty pounds (40 lbs.) shall be secured in an approved child restraint system as required by Missouri law.

(E) All children age four (4) and older shall be restrained by seat belts as required by Missouri law.

(F) The following identifying information shall be available in the vehicle: the names of children being transported, the names, addresses, and home and work telephone numbers of each child's parent(s), legal guardian, or legal custodian, emergency contact information (including name and phone number for hospital and doctor) and the name, address, and phone number of the facility.

(G) Caregiver/child ratios shall be maintained whenever children are transported to or from the facility.

(H) Children shall be required to remain seated while the vehicle is in motion.

(I) Doors shall be locked when the vehicle is moving.

(J) Children shall enter and leave the vehicle from the curbside unless the vehicle is in a protected area or driveway.

(K) Children shall be assisted, when necessary, when entering or leaving the vehicle.

(L) Children shall be released only to the parent(s), legal guardian, or legal custodian or individual(s) authorized by the parent(s), legal guardian, or legal custodian.

(M) At drop-off, the operator of the vehicle shall assure the child is received by the parent(s), legal guardian, or legal custodian or individual(s) authorized by the parent(s), legal guardian, or legal custodian to receive the child, including school personnel and shall not leave any child without supervision.

(N) "Face-to-name" roll calls shall be taken, matching the child visually (face) to their name during all roll calls. At a minimum, these roll calls shall occur before leaving the facility, after entering the vehicle, after returning to the vehicle and upon return to the facility.

(O) When children leave the vehicle, the vehicle shall be thoroughly inspected to ensure that no child is left in any area of the vehicle.

(P) The facility director shall notify the parent(s), legal guardian or legal custodian of any child who is in a vehicle involved in an accident or moving violation while the child is in care. The notification shall occur within the same day as the incident.

(Q) The facility director shall notify the bureau within twenty-four (24) hours of any accident or moving violation involving transportation provided by the facility.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities sixty-three thousand seven hundred dollars (\$63,700) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.150 Transportation of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 150 Transportation of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,124	Group Child Care Homes and Child Care Centers	\$63,700.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1,274) X (5) X (\$10.00) = \$63,700.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. BCC estimates that approximately sixty (60) percent of Group Child Care Homes and Child Care Centers provide transportation services. Based on this percentage, 1,274 Group Child Care Homes and Child Care Centers provide transportation services. It should be noted that providing transportation is not a licensing requirement.
3. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
4. It is estimated that it will take the facility director an average of five (5) hours in order to maintain records, maintain parental authorizations and notify parents and BCC in case of an accident.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.151 Field Trips

PURPOSE: This rule sets forth the additional requirements, in addition to the transportation rules, for taking children on field trips.

(1) General Requirements.

(A) The licensee shall be responsible for the care, safety and supervision of children on field trips.

(B) Written and signed parental consent shall be on file at the facility for each specific field trip taken by the program away from the facility. The consent shall include, but not be limited to, the date of the field trip, the estimated time of leaving and returning to the facility, the method of transportation, the destination, and the caregivers who will be responsible for supervising the children during the field trip.

(C) Written and signed parental consent may be given for regularly scheduled field trips for a designated period of time, not to exceed three (3) months.

(D) The licensee shall make reasonable accommodations to transport children with physical disabilities on scheduled field trips.

(E) Any outdoor activity in space other than the approved outdoor play space shall meet field trip requirements.

(2) Safety and Supervision.

(A) The licensee shall maintain caregiver/child ratios as defined below, with a minimum of two (2) adults on each field trip:

Ages of Children	2 years	3-4 years	5 years & Up
Caregiver/Child Ratios	1:6	1:8	1:12

(B) The required caregiver/child ratio for field trips is based on the age of the youngest child participating in the field trip.

(C) Children shall wear identification stating the name and phone number of the facility in case the child becomes separated from the group. For security reasons it is recommended that the identification not include the child's name.

(D) Each child shall be assigned to a specific caregiver for every part of the field trip.

(E) "Face-to-name" roll calls shall be taken during all field trips. At a minimum, these roll calls shall occur before leaving the facility, after entering the vehicle, during a field trip, after taking children to the bathroom, after returning to the vehicle and upon return to the facility.

(F) When children leave the vehicle, the vehicle shall be thoroughly inspected to ensure that no child is left in any area of the vehicle.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities four hundred eighty-nine thousand two hundred sixteen dollars (\$489,216) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department

of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.151 Field Trips
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 151 Field Trips
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,274	Group Child Care Homes and Child Care Centers	\$489,216.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Director Cost.
 (1,274) X (24) X (\$10.00) = \$305,760.00 Total Aggregate Cost

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Staff Cost
 (1,274) X (24) X (\$6.00) = \$183,456.00

Total Cost = \$489,216.00

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. BCC estimates that approximately sixty (60) percent of Group Child Care Homes and Child Care Centers provide transportation services. Based on this percentage, 1,274 Group Child Care Homes and Child Care Centers provide transportation services. It should be noted that providing transportation and field trips are not a licensing requirement.
3. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
4. Facility caregiver salary is estimated at \$12,480 per year (\$6.00 per hour)

5. It is estimated that Group Child Care Homes and Child Care Centers conduct an average of one (1) field trip per month. This necessitates notification of parents regarding each trip and maintaining field trip authorization forms. It will take the facility director an average of two (2) hours per month or twenty-four (24) hours per year to maintain compliance with this rule.
6. It is estimated that the increased caregiver/child ratios will require one additional staff member for the field trips and will average two (2) hours in length.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers

PROPOSED RESCISSION

19 CSR 30-62.152 Hourly Care Facilities. This rule defined the requirements for facilities providing irregular, intermittent, hourly care for children.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.140, 13 CSR 40-62.152 and 19 CSR 40-62.152. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.152, effective Dec. 9, 1993. Changed to 19 CSR 30-62.152 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers

PROPOSED RESCISSION

19 CSR 30-62.162 Overlap Care of Children. This rule defined overlap care and set forth the requirements for overlap care.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.150, 13 CSR 40-62.162 and 19 CSR 40-62.162. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes

PROPOSED RULE

19 CSR 30-62.162 Overlap Care of Children

PURPOSE: This rule defines overlap care and sets forth the requirements for overlap care.

NOTE: Current rules with a "grandfather clause" will be identified by the symbol (GF) after the affected rule.

(1) The facility shall not provide overlap care without prior written approval from the bureau.

(2) Overlap care of children under the age of two (2) shall not be permitted. (GF)

(3) During overlap care the number of children in care may exceed the licensed capacity of the facility to accommodate situations such as parent's(s'), legal guardian's, or legal custodian's work shifts or before and after school care if the following conditions are met:

(A) The facility shall submit a written request for overlap on a form provided by the bureau. The overlap request shall include the hours overlap care will be provided;

(B) The number of additional children in care shall not exceed one-third (1/3) of the licensed capacity of the facility at the time of overlap;

(C) The overlap period(s) shall not exceed two (2) hours total in any twenty-four (24)-hour child care day. The two (2) hours of available overlap time may be utilized in smaller time periods;

(D) Caregiver/child ratios shall be maintained during the overlap period; and

(E) All procedures for admitting children shall be followed if a facility enrolls children for overlap care.

(4) Approval for overlap care may be denied or rescinded based on fire safety restrictions or a facility's history of noncompliance with licensing rules related to caregiver/child ratio and supervision of children. Approval for overlap care will be reviewed at each license renewal.

(5) The overlap approval shall be posted near the license.

(6) Any changes in the hours of overlap care shall require that a new overlap request form be submitted and approved by the bureau.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-62.150, 13 CSR 40-62.162 and 19 CSR 40-62.162. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities ten thousand six hundred twenty dollars (\$10,620) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.162 Overlap Care of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 162 Overlap Care of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1062	Group Child Care Homes and Child Care Centers	\$10,620.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1062) X (1) X (\$10.00) = \$10,620.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. BCC estimates that approximately fifty (50) percent of Group Child Care Homes and Child Care Centers request overlap care. Based on this percentage, 1062 Group Child Care Homes and Child Care Centers request overlap care.
3. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
4. It will take the facility director an average of one (1) hour per year to maintain compliance with the documentation requirements of this rule.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers**

PROPOSED RESCISSION

19 CSR 30-62.172 Emergency School Closings. This rule defined the requirements for a facility to provide care to school-age children on unscheduled days of school closings.

PURPOSE: *The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.*

AUTHORITY: *section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.160, 13 CSR 40-62.172 and 19 CSR 40-62.172. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.172, effective Dec. 9, 1993. Changed to 19 CSR 30-62.172 July 30, 1998. Rescinded: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.172 Emergency School Closings

PURPOSE: *This rule allows one-third (1/3) additional attendance of school-age children on unscheduled days of school closings.*

(1) The facility may accommodate enrolled school-age children who need care on days when schools are closed due to emergencies such as inclement weather or physical plant failure.

(2) The licensed capacity of the facility may be exceeded by one-third (1/3) for the day. This shall not be in addition to the one-third (1/3) excess attendance allowed for overlap care. At no time may the total number in care be more than one-third (1/3) over the licensed capacity of the facility.

(3) Caregiver/child ratios shall be maintained during emergency school closings.

(4) The facility director shall maintain a written record including the date of the emergency school closing, the reason for the closing and the number of children in care, including children's names and ages on that date.

(5) This section of the rules does not apply to closures announced in advance such as, but not limited to, holidays and parent conferences.

AUTHORITY: *section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-62.160, 13 CSR 40-62.172 and 19 CSR 40-62.172. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.172, effective Dec. 9, 1993. Changed to 19 CSR 30-62.172 July 30, 1998. Rescinded and readopted: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rule will cost state agencies or political subdivisions twenty-two thousand eight hundred seventy-three dollars (\$22,873) annually in the aggregate.*

PRIVATE COST: *This proposed rule will cost private entities twenty-one thousand two hundred forty dollars (\$21,240) annually in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.172 Emergency School Closings
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$22,873 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (1\%) = \$22,873$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 1% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 172 Emergency School Closings
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2124	Group Child Care Homes and Child Care Centers	\$21,240.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(2124) X (1) X (\$10.00) = \$21,240.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It will take the facility director an average of one (1) hour per year to maintain required documentation for this rule.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers

PROPOSED RESCISSION

19 CSR 30-62.182 Child Care Program. This rule defined the requirements for the care of children, including supervision, emergency drills, discipline, diapering and toileting, and daily activities.

PURPOSE: *The Department of Health and Senior Services has addressed these requirements in another revised rule; therefore, the current rule is being rescinded.*

AUTHORITY: *section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-62.170, 13 CSR 40-62.182 and 19 CSR 40-62.182. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.182, effective Dec. 9, 1993. Changed to 19 CSR 30-62.182 July 30, 1998. Amended: Feb. 18, 1999, effective Sept. 30, 1999. Rescinded: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers

PROPOSED RESCISSION

19 CSR 30-62.192 Health Care. This rule defined the requirements for reporting communicable diseases, caring for a child when ill, medication, emergency care and hand washing.

PURPOSE: *The Department of Health and Senior Services has addressed these requirements in another revised rule; therefore, the current rule is being rescinded.*

AUTHORITY: *section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.192 and 19 CSR 40-62.192. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the*

Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers

PROPOSED RESCISSION

19 CSR 30-62.202 Nutrition and Food Service. This rule provided the requirements for nutritious meals, snacks and methods of food service.

PURPOSE: *The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.*

AUTHORITY: *section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.180, 13 CSR 40-62.202 and 19 CSR 40-62.202. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.202, effective Dec. 9, 1993. Changed to 19 CSR 30-62.202 July 30, 1998. Rescinded: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care
Homes and Child Day Care Centers

PROPOSED RESCISSION

19 CSR 30-62.212 Transportation and Field Trips. This rule set the requirements of a day care provider when transporting children and on field trips.

PURPOSE: *The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.*

AUTHORITY: *section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.212 and 19 CSR 40-62.212. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.212, effective Dec. 9, 1993. Changed to 19 CSR 30-62.212 July 30, 1998. Rescinded: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers**

PROPOSED RESCISSION

19 CSR 30-62.222 Records and Reports. This rule listed records and reports that must be on file at the facility.

PURPOSE: *The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.*

AUTHORITY: *section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-62.190, 13 CSR 40-62.222 and 19 CSR 40-62.222. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 15, 2004.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.222 Records and Reports

PURPOSE: *This rule lists records and reports that must be on file at the facility to meet administrative requirements and to ensure knowledge of the individual needs of children and their families.*

(1) The facility director shall maintain an individual file at the facility for each child enrolled in care.

(2) Each child's individual file shall contain information pertaining to enrollment, health, accidents, injuries, emergency medical care, at-risk situations, transportation, field trip permission, and other significant information as needed.

(3) The enrollment documents shall include information as specified in 19 CSR 30-62.120.

(4) The health documents shall include:

- (A) Immunization records as required by 19 CSR 30-62.140(5);
- (B) A medical examination report as required by 19 CSR 30-62.120;
- (C) The individualized plan for specialized care for any child having a special need as required by 19 CSR 30-62.120(4)(L);
- (D) Parental authorization for medications and a record of medications administered as defined in 19 CSR 30-62.140(4);
- (E) Documentation of the date and time of parental contact, due to illness, and the decision made shall be filed in the child's individual record as specified in 19 CSR 30-62.140(3)(D); and
- (F) Documentation of accidents, injuries, emergency medical care and at-risk situations shall include information as specified in 19 CSR 30-62.140(6).

(5) Documentation of any significant information learned from observation or communication regarding the child. This includes, but is not limited to:

- (A) Behavioral observations, such as extreme aggressive or passive behavior, unusual changes in activity level (e.g., sluggish, hyperactive);
- (B) Persistent or serious concerns expressed by a child;
- (C) Indicators of child abuse/neglect, including the date and action taken when reported to the child abuse/neglect hotline;
- (D) Information communicated from the child's parent(s), legal guardian, or legal custodian, or other sources; and
- (E) Any action taken as a result of the above observations or communications.

(6) The facility director shall maintain an individual file at the facility for each staff member. Each staff's individual file shall include documentation pertaining to personnel information; health; background screenings; and required training.

(7) The health documentation shall contain medical examination reports for staff, as required by 19 CSR 30-62.100(3).

(8) The background screening documentation shall contain a copy of the Family Care Screening results as 19 CSR 30-62.100(2).

(9) The training documentation shall contain staff training records, as required by 19 CSR 30-62.100(6).

(10) Record Maintenance and Retention.

(A) Individual children's records shall be retained a minimum of one (1) year after the child discontinues attendance.

(B) Individual child care staff's records shall be retained a minimum of one (1) year after the staff discontinues employment or volunteering.

(C) Daily sign-in sheets for children with times of arrival and departure shall be maintained and kept on file a minimum of one (1) year.

(D) Daily staff and volunteer attendance records with times of arrival and departure from the premises shall be maintained and kept on file a minimum of one (1) year.

(E) All records shall be filed on the premises in a place known to all caregivers and shall be accessible by the person in charge at all times during the hours the facility is open and operating.

(F) Emergency school closing records, as required by 19 CSR 30-62.172(4) shall be on file.

(G) A written record of emergency drills as required by 19 CSR 30-62.087(2)(F) shall be on file.

(H) All records of children shall be confidential, protected from unauthorized examination. Each child's record shall be available to the parent(s), legal guardian, or legal custodian upon request.

(I) All records shall be available at the facility for inspection by the bureau upon request.

(J) Reports to the bureau shall be submitted as required.

*AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-62.190, 13 CSR 40-62.222 and 19 CSR 40-62.222. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed Oct. 15, 2004.*

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities four hundred twenty-four thousand eight hundred dollars (\$424,800) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.222 Records and Reports
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 222 Records and Reports
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2124	Group Child Care Homes and Child Care Centers	\$424,800.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(2124) X (20) X (\$10.00) = \$424,800.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It will take the facility director an average of twenty (20) hours per year of specialized oversight to maintain staff and children's beyond the costs specified in previous private fiscal notes.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**

**Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.224 Infant/Toddler Care

PURPOSE: This rule sets forth the additional requirements for the care of infants and toddlers in group child care homes and child care centers.

NOTE: Current rules with a “grandfather clause” will be identified by the symbol (GF) after the affected rule.

(1) General Requirements.

(A) An infant/toddler unit shall comply with all licensing rules, unless the rule specifies preschool or school-age children only.

(B) Facilities licensed for a maximum of twenty (20) children, including no more than four (4) infant/toddlers, are not required to have a separate infant/toddler unit.

(C) Facilities licensed for more than twenty (20) children, including infant/toddler care, shall have a separate infant/toddler unit.

(D) Facilities licensed for preschool or school-age children and more than four (4) infant/toddlers shall have a separate infant/toddler unit.

(E) If a facility is required to have an infant/toddler unit, all children under the age of twenty-four (24) months shall be cared for in the infant/toddler unit.

(F) Children ages twenty-four to thirty-six (24–36) months may be cared for in the infant/toddler unit.

(G) Only children under the age of thirty-six (36) months may be cared for in the infant/toddler unit unless the total number of children in attendance at the facility is four (4) or fewer.

(2) Indoor Space and Equipment.

(A) Floor Space Calculations and Use.

1. Facilities licensed for a maximum of twenty (20) children including no more than four (4) infant/toddlers shall meet the following space requirements:

A. Thirty-five (35) square feet of usable floor space shall be provided for each child;

B. Space occupied by cribs, playpens or other permanently placed napping equipment shall be deducted from usable floor space; and

C. A protected floor area shall be provided so infants and toddlers can crawl and play.

(I) Stable dividers shall protect this area from general walkways and space that older children use for play.

(II) This area shall have a resilient, washable floor covering that is mopped and sanitized daily. Washable area rugs that are laundered daily may be used.

2. Facilities licensed for more than four (4) infant/toddlers and/or more than twenty (20) children shall meet the following space requirements:

A. An infant/toddler unit that is separate from space used by older children shall be provided for play, eating, sleeping and toileting;

B. The infant/toddler unit shall be separated from the space used for older children by floor-to-ceiling walls and full doors that shall be kept closed;

C. Staff or older children shall not use the infant/toddler unit as a passageway to other indoor or outdoor areas;

D. Forty-five (45) square feet of usable floor space shall be provided for each infant and toddler. Space occupied by napping equipment is not deducted from usable floor space;

E. Thirty-five (35) square feet of usable floor space shall be provided for each child in groups composed solely of two (2) year olds;

F. No more than eight (8) infant/toddlers or sixteen (16) two (2) year olds shall be in a group;

G. Solid, stable partitions a minimum of four feet (4') in height shall be used to separate the infant/toddler groups in a room. Gates or other approved barriers shall be used at doorways to contain children in the group space;

H. No more than sixteen (16) infant/toddlers or sixteen (16) two (2) year olds shall be in a room; (GF)

I. Floors shall be tile, vinyl, linoleum or wood and shall be mopped and sanitized daily. Carpet shall not be used. If area rugs are used, they shall be washable, non-skid, and laundered daily; and

J. Electrical outlets shall be placed at a height of five feet (5') from the floor or shall have a child-proof safety cover.

(3) Bathrooms.

(A) There shall be a bathroom with one (1) flush toilet and one (1) hand washing sink available in each infant/toddler room if children are to be toilet trained. Staff may also use this bathroom. If there is no bathroom in the infant/toddler room, the facility shall submit:

1. A written statement that there will be no toilet training in the room; and

2. A written plan for maintaining caregiver/child ratios when caregivers leave the room to use the restroom.

3. One (1) potty chair, junior commode or toilet with an adaptor seat shall be available for every four (4) children being toilet trained.

(B) Diapering Area.

1. Facilities shall have one (1) diapering area for every group of eight (8) infant/toddlers and for every group of sixteen (16) two (2) year olds.

2. The diapering area shall be located in each infant/toddler group space so the caregiver can maintain supervision of his/her group of children at all times while changing diapers.

(4) Indoor Furniture and Equipment.

(A) Sleeping Equipment.

1. An individually assigned crib, portable crib or playpen shall be provided and used for each infant.

2. An individually assigned crib, portable crib, or playpen shall be provided and used for each toddler unless written parental permission is given to use an individually assigned cot or mat.

3. Cribs, portable cribs and playpens shall remain set up at all times for all infants and toddlers who use them for napping.

4. Napping equipment shall be appropriate for the size of the child.

5. Stack cribs shall not be used.

6. At least one (1) crib for every four (4) infant/toddlers will be designed with wheels to facilitate evacuation in an emergency.

7. Cribs shall have side or head rail spokes not more than two and three-eighths inches (2 3/8") apart. The crib shall have no cut-out openings in the headboard or footboard structure in which a child's head could become entrapped.

8. Portable cribs and playpens shall have sides that lock securely in place and shall not be used with the drop side down.

9. If a mesh-sided crib or playpen is used, the mesh shall be less than one-fourth inch (1/4") in size and shall be securely attached to the top rail and floor plate. The mesh shall not have tears, holes, or loose threads. The top rail cover shall have no tears or holes.

10. The crib mattress or playpen pad shall be sized correctly to the crib or playpen, in good condition, waterproof and kept clean and dry.

11. An individually assigned sheet shall be provided and used for each infant and toddler. Sheets shall be sized to assure a tight, secure fit.

12. Sheets shall be changed immediately when soiled or wet.

13. Pillows, quilts, comforters, bumper pads, stuffed animals and other soft products shall be prohibited from use in napping equipment for infants up to one (1) year of age.

14. Positioning devices that restrict movement within the infant's napping equipment shall not be used.

15. Sleeping equipment shall be arranged to provide at least a two foot (2') aisle on one long side of the equipment to avoid spreading contagious disease and allow for easy access.

(5) Tables and Seating Equipment.

(A) Feeding equipment will be provided that will allow the child to sit comfortably and securely while being fed.

(B) Infants and toddlers who are not being held while being fed and who are unable to sit at a table shall have one (1) piece of feeding equipment for every four (4) infant/toddlers which may include feeding tables, high chairs, infant seats or other safely designed infant seating equipment. Appropriate restraints shall be used.

(C) Individual chairs and sufficient table space for the licensed capacity shall be available for children twelve (12) months and older. The height of the table shall be appropriate for the children's use. The chair shall allow the child to be seated comfortably and securely.

(6) Indoor Play Equipment and Materials.

(A) Toys and materials shall be appropriate for the ages of children.

(B) Toys, parts of toys or other materials shall not be small enough to be swallowed. The infant/toddler unit shall have a choke prevention device available to determine if an object is small enough to be swallowed.

(C) Toys and materials shall include a minimum of thirty-two (32) approved items for every four (4) children in the licensed capacity of the unit. The thirty-two (32) items shall include at least two (2) items from each of the following categories:

1. Language development such as cloth and plastic coated books, puppets, etc.;

2. Sensory stimulation such as mobiles, squeeze toys, non-breakable mirrors, rattles, etc.;

3. Manipulative toys such as shape sorting box, pop-up toys, large snap beads, nesting cups, puzzles, interlocking blocks, etc.;

4. Motor development such as soft balls of various sizes, large soft blocks, push-pull toys with strings no longer than twelve inches (12"), small wheeled riding toys, small climber with slide attached, etc.;

5. Art such as large non-toxic crayons and paper, play dough, finger paints, etc.;

6. Dramatic play such as dolls, pots and pans, small transportation toys, plastic spoons and dishes, toy telephones, kitchen sets, etc.;

7. Music and movement such as cassette player with tapes, rhythm instruments, etc.;

8. Blocks, construction and transportation toys such as large cardboard blocks, unit blocks, hollow blocks, animal and people figures, etc.; and

9. Non-stationary walkers shall not be used.

(7) Outdoor Space and Equipment.

(A) Infant/toddler outdoor play equipment shall be available and shall be used by infants and toddlers for outdoor play.

(B) For facilities licensed for more than twenty (20) children or more than four (4) infants/toddlers, outdoor play space for infant and toddlers shall be fenced separately from that used for older children, or infants and toddlers may use the same outdoor play space as the older children at different times.

(C) In facilities licensed for four (4) or fewer infant/toddlers and no more than twenty (20) children, children of all ages may use the same outdoor space at the same time.

(8) Caregiver/Child Ratios—Infant/Toddler.

(A) The following staff/child ratios shall be maintained at all times in each group in the infant/toddler unit:

1. Birth through two (2) years. Groups composed of mixed ages through two (2) years shall have no less than one (1) adult to four (4) children, with no more than eight (8) in a group.

2. Age two (2) years. Groups composed solely of two (2) year olds shall have no less than one (1) adult to eight (8) children, with no more than sixteen (16) in a group.

Age of Child	Number of Children	Number of Staff	Maximum Number of Children in a Group	Maximum Number of Children in a Room
0-35 months	4	1	8	16
	8	2		
24-35 months	8	1	16	16
	16	2		

(9) Child Enrollment.

(A) Written parental instructions for infant/toddler (I/T) care shall be maintained in each I/T child's individual file, with the instructions available to and used by all staff caring for the children. These instructions shall be signed and dated by the parent and on file prior to attendance of an I/T child and shall include:

1. The child's diet plan;
2. Sleeping arrangements and instructions;
3. Diapering instructions; and
4. Special instructions for care.

(B) The written parental instructions for infant/toddler care shall be updated as needed.

(10) Overlap care of infant/toddler children is prohibited.

(11) Care and Supervision of Children.

(A) Care of the Child.

1. Infants and toddlers shall have constant care and supervision.

2. Caregivers shall be alert and responsive to various needs of the child such as thirst, hunger, diaper change, fear of aggression by other children and need for attention.

3. Children under twelve (12) months of age shall be placed on their backs for sleep unless a written exception from the child's physician is on file.

4. An infant's head shall remain uncovered during sleep.

5. Each infant's position shall be changed at least every half (1/2) hour when an infant is awake. Examples of different positions include crawling on the floor, back time under "gym," on caregiver lap, etc.

6. A daily log for each infant/toddler's care shall be maintained on file at the facility. The information shall be made available to parent(s), legal guardian, or legal custodian upon request. The daily log shall include the following information:

A. The times that a child's diaper has been changed or checked; and

B. Feeding times and amount of food consumed.

(12) Daily Activities for Children.

(A) Daily activities shall promote the individual development of each infant and toddler and shall include:

1. Individual attention and play with adults, including smiling, holding, cuddling, talking, singing, and comforting children who are upset;

2. Regular snack and meal times according to each child's individual feeding schedule as stated by the parent(s), legal guardian, or legal custodian;

3. Nap times that meet the child's individual needs. After awakening, an infant/toddler may remain in the crib as long as s/he is content, but no longer than thirty (30) minutes;

4. Free choices of play and opportunities to explore;

5. Opportunities for sensory stimulation which include:

A. Visual stimulation through pictures, books, toys, games, etc.;

B. Tactile stimulation through surfaces, fabrics, toys, games, etc.;

C. Auditory stimulation through music, conversation, etc.;

D. Encouragement in the development of motor skills by providing opportunities for reaching, grasping, pulling up, creeping, crawling and walking;

E. Promotion of communication skills and language interaction; and

F. Opportunity for outdoor play when weather permits.

(13) Diapering and Toilet Training.

(A) A diapering area shall be provided and maintained as required in 19 CSR 30-62.090(20).

(B) The child shall not be left unattended at any time while on the diapering surface.

(C) Disposable tissues and wipes shall be used to cleanse the child at each time of diapering. Any diapering creams, powders or other products applied shall be provided or authorized by the parent(s), legal guardian, or legal custodian and labeled with the child's name.

(D) Diaper bags and diapering products shall be kept inaccessible to children.

(E) Diapers and wet clothing shall be changed promptly.

(F) No effort shall be made to toilet train a child until the parent(s), legal guardian, or legal custodian and the facility agree on when to begin.

(G) There shall be no routine attempt to toilet train children under the age of twenty-four (24) months.

(H) The routine for toilet training shall be discussed with the parent(s), legal guardian, or legal custodian so the same method can be used at the facility and the child's home. Children shall not be forced to remain on a toilet or potty chair.

(I) Children shall not be punished, berated or shamed in any way for soiling their clothes.

(J) The facility director shall assure that extra clothing is available in case children accidentally soil themselves.

(14) Nutrition and Food Service.

(A) The licensee shall supply and serve nourishing foods appropriate for the child's nutritional requirements and developmental stages as specified by his/her parent(s), legal guardian, or legal custodian.

(B) Until the child is on table food, the parent(s), legal guardian, or legal custodian may provide bottles and baby food which shall be labeled with the child's name.

(C) Bottles provided and prepared by the facility shall be labeled with the child's name unless the bottle is prepared and immediately served to an individual child.

(D) If a bottle of formula, cow's milk or breast milk is given to the wrong child, the parent of each child shall be notified immediately.

(E) The parent's written diet plan for each infant/toddler shall be followed. The facility director will assure that parent(s), legal guardian, or legal custodian update the plan according to the individual needs of the child until the parent grants permission in writing for the child to eat table foods.

(F) Infants shall be held by a caregiver until the child can hold a bottle comfortably.

(G) Bottles shall not be propped.

(H) When an infant/toddler shows evidence of wanting to feed him/herself, the child shall be encouraged and permitted to do so.

(I) Hand washing at a sink or single use cloths shall be used for washing children's faces and hands after eating and as necessary.

(J) A method for warming bottles and food shall be readily available and accessible. Microwaves shall not be used for preparing bottles and infant food.

(K) Bottles are to be warmed in approved bottle warmer(s) only.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities two hundred twenty-one thousand dollars (\$221,000) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.224 Infant/Toddler Care
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
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• Environmental Public Health Specialist III (8)	303,060.
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• Office Support Assistant –OSA (11.5)	241,500.
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	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 224 Infant/Toddler Care
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
425	Group Child Care Homes and Child Care Centers	\$221,000.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(425) X (52) X (\$10.00) = \$221,000.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. It is estimated that twenty (20) percent of licensed Group Child Care Homes and Child Care Centers provide infant/toddler care. This ratio represents 425 Group Child Care Homes and Child Care Centers that provide infant/toddler care.
3. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
4. It will take the facility director an average of twenty (52) hours per year (one hour per week) of specialized oversight to assure compliance with infant/toddler rules.
5. The majority of the expenses associated with the infant/toddler rules are covered in the private fiscal notes that address staffing, equipment, supervision, records and reports.
6. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.226 Nighttime Care

PURPOSE: This rule sets forth requirements for facilities providing nighttime care for children.

(1) If nighttime care is to be offered on a regular basis, rules shall be met as set forth for nighttime care, and the facility must be specifically licensed to include nighttime care.

(2) Facilities licensed for nighttime care shall meet these additional requirements:

(A) Special effort shall be made by caregivers to individualize care at children's bedtime and awakening. The parent(s), legal guardian, or legal custodian shall be consulted concerning his/her child's particular behavior patterns at bedtime and awakening;

(B) Room arrangements shall accommodate children's need for undisturbed sleep when/if parent(s), legal guardian or legal custodians arrive during various hours of nighttime care;

(C) Personal items such as combs, brushes, toothbrushes or other personal items shall be individually marked with the child's name;

(D) Night-lights shall be provided and shall be located in areas as required by individual children's needs;

(E) Separate sleeping and dressing areas shall be provided for school-age boys and girls;

(F) A caregiver shall remain in the room with any child(ren) while they are napping or sleeping and shall be able to see and hear them if they have difficulty during napping or when they awake;

(G) Each caregiver in the sleep room shall be responsible for no more than twenty (20) children. Additional staff required to meet staff/child ratio shall be in the same building and on the same floor. This staff shall be readily accessible and available to be summoned, without the caregiver directly responsible for the children leaving the sleep room to ensure the safety of the children;

(H) Caregivers shall be awake at all times; and

(I) Adults on the premises shall be limited to staff, parents, legal guardians, legal custodians or authorized individuals.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-62.130, 13 CSR 40-62.142, 19 CSR 40-62.142 and 19 CSR 40-62.142. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twenty-two thousand eight hundred seventy-three dollars (\$22,873) annually in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.226 Nighttime Care
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$22,873 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (44\%) \times (1\%) = \$22,873$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 1% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.228 Hourly Care Facilities

PURPOSE: This rule sets forth requirements for facilities providing irregular, intermittent, hourly care for children.

(1) An hourly care facility is a facility licensed exclusively for irregular, intermittent, hourly care.

(2) Hourly care shall be limited to a maximum of fifty (50) hours per month per child. If a child is in care more than fifty (50) hours per month, other child care arrangements shall be made.

(3) Hourly care facilities shall meet all licensing rules for group child care homes and child care centers with the following exceptions:

- (A) An outdoor play area is not required;
- (B) Children may bring sack meals;
- (C) The children's medical examination report is not required; and
- (D) Satisfactory evidence of immunizations shall be required after the child's first time in care.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-62.140, 13 CSR 40-62.152, 19 CSR 40-62.152 and 19 CSR 30-62.152. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twenty-two thousand eight hundred seventy-three dollars (\$22,873) annually in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.228 Hourly Care Facilities
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$22,873 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (1\%) = \$22,873$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 1% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers**

PROPOSED RESCISSION

19 CSR 30-62.230 Variance Request. This rule explained how a provider could request a variance from the rules of this chapter.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 19 CSR 40-62.230. Emergency rule filed Aug. 27, 1993, effective Sept. 5, 1993, expired Jan. 2, 1994. Emergency rule filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Original rule filed Aug. 27, 1993, effective April 9, 1994. Changed to 19 CSR 30-62.230 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.230 Variance Request

PURPOSE: This rule explains how a licensee may request a variance from a rule in the Licensing Rules for Group Homes and Child Care Centers.

(1) The licensee may request a variance from a rule. The request for a variance shall be made in writing to the bureau and shall include the rule(s) for which a variance is requested and the reason(s) the provider requests the variance.

(2) The facility shall continue to follow the rule(s) for which the variance was requested until notified in writing of the bureau's decision regarding the request.

(3) If the variance request is approved, the licensee shall be advised in writing by the bureau of the approval and any required conditions. The variance approval shall be posted by the licensee.

(4) The bureau may rescind the variance with written notice to the licensee if the licensee fails to comply with the required condition(s).

(5) If the bureau does not approve a variance request, the bureau shall advise the licensee in writing of the reason(s) the variance has

been determined to endanger the health or safety of the children served by the facility. The licensee may request a review of the decision by the department director within thirty (30) days of receipt of the denial notice. The department director or designee shall make a final determination to approve or deny the variance request.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 19 CSR 40-62.230. Emergency rule filed Aug. 27, 1993, effective Sept. 5, 1993, expired Jan. 2, 1994. Emergency rule filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Original rule filed Aug. 27, 1993, effective April 9, 1994. Changed to 19 CSR 30-62.230 July 30, 1998. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions sixty-eight thousand six hundred eighteen dollars (\$68,618) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities two thousand six hundred forty dollars (\$2,640) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.230 Variance Request
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$68,618 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (3\%) = \$68,618$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 3% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-62. 230 Variance Request
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2124 Licensed Facilities 259 New Applications	Group Child Care Homes and Child Care Centers	\$2,640.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(212) X (1) X (\$10.00) = \$2120.00 Licensed Facilities Variance Cost

(52) X (1) X (\$10.00) = \$520.00 New Applications Variance Cost

Total = \$2,640.00

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 2,124 licensed Group Child Care Homes and Child Care Centers in FY04.
2. Bureau of Child Care (BCC) approved 259 new applications in FY04.
3. It is estimated that ten (10) percent of licensed Group Child Care Homes and Child Care Centers will require a variance. This ratio represents 212 Group Child Care Homes and Child Care Centers that require a variance.
4. It is estimated that twenty (20) percent of new Group Child Care Home and Child Care Center approved applications will require a variance. This ratio represents 26 new approved Group Child Care Home and Child Care Center applications.
5. Facility director's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
6. It will take the facility director an average of one (1) hour to complete the variance request form.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.240 Grandfather Clause

PURPOSE: This rule allows facilities to continue compliance with a previously promulgated rule and partial or full exemption from a new requirement with additional conditions as identified below.

NOTE: Current rules with a "grandfather clause" will be identified by the symbol (GF) after the affected rule.

(1) General Rules.

(A) All licensing rules listed in this copy and subsequent copies of the Licensing Rules for Group Child Care Homes and Child Care Centers apply to all providers unless listed in the exceptions below.

(B) "Grandfather" provisions shall not apply when any group child care home or child care center changes ownership after the issuance of these rules. These facilities shall comply with all licensing rules current at the time of the change of ownership.

(C) "Grandfather" provisions shall not apply when any group child care home or child care center increases capacity, adds infant/toddler care, remodels the facility, constructs a new building or addition, replaces or adds a fence or replaces any piece of equipment, floor covering or item that would not be approvable under these guidelines. These facilities shall conform to all current licensing rules.

(D) The bureau will develop a time period with facilities licensed prior to the effective date of these rules (not to exceed six (6) months) to reach compliance with all rules that have changed that are not listed below as grandfathered rules.

(E) Rules grandfathered for previously licensed programs:

CURRENT RULE	GRANDEFATHERING PROVISION
19 CSR 30-62.112(1) "In a licensed group child care home or child care center, any child who comes into the facility for care, including any child related to the licensee, shall be counted in the licensed capacity."	Facilities licensed prior to the issuance of these rules may continue to care for the specific related children already being cared for at the facility. Related children beginning care after the effective date of these rules will be counted in capacity. The provider shall provide a list of all related children in care to the Bureau of Child Care (BCC).
19 CSR 30-62.065(1)(F) "Stairways in approved child care space having more than three (3) steps shall have a handrail placed at a height that is thirty-four inches to thirty-eight inches (34"–38") from the steps."	Handrails approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced handrails shall meet the current rule requirement. The provider shall develop and copy to the BCC a written plan of supervision to assure the children's safety.
19 CSR 30-62.065(1)(G) "Porches, decks, lofts, stairwells or other physical plant structures in approved child care space having a drop-off of more than twenty-four inches (24") from which children might fall shall have an approved protective banister, guardrail, or barrier that is at least thirty-six inches (36") high."	Protective banisters, guardrails or barriers approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced banisters, guardrails, or barriers shall meet the current licensing rule requirement. The provider shall develop and copy to the BCC a written plan of supervision to assure the children's safety.
19 CSR 30-62.065(1)(H) "Protective banisters, guardrails or barriers shall have balusters (upright posts) at intervals of three and one-half inches (3 1/2") or less to prevent the child from crawling, falling through, or becoming entrapped."	Banisters, protective guardrails or barriers approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced banisters, guardrails, or barriers shall meet the current licensing rule requirement. The provider shall develop and copy to the BCC a written plan of supervision to assure the children's safety.

19 CSR 30-62.065(3)(A)2. "At least one bathroom shall be on each floor used for child care."	Facilities previously approved are not required to meet this rule. The provider shall develop and copy to the BCC a written plan of how they will maintain supervision of children.
19 CSR 30-62.070(1)(D) "Stairways in approved outdoor child care space having more than three (3) steps shall have a handrail placed at a height that is thirty-four inches to thirty-eight inches (34"-38") from the steps."	Handrails approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced handrails shall meet the current rule requirement. The provider shall develop and copy to the BCC a written plan of supervision to assure the children's safety.
19 CSR 30-62.070(2)(C) "Children shall be able to enter the fenced play area directly from the approved child care space."	Fencing approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fencing shall meet the current licensing rule requirement. The provider shall develop and copy to the BCC a written plan of how they will maintain supervision of children.
19 CSR 30-62.070(2)(F) "The play area fence shall be at least forty-eight inches (48") high and shall be permanently installed."	Fencing approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fencing shall meet the current licensing rule requirement.
19 CSR 30-62.070(2)(G) "Openings in the fence shall be no greater than three and one-half inches (3 1/2") to prevent children from climbing, crawling or falling through or becoming entrapped."	Fencing approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fencing shall meet the current licensing rule requirement.
19 CSR 30-62.070(2)(N) "The play area shall be arranged so all areas are visible to the caretakers at all times."	Play areas approved by the BCC prior to the issuance of these rules may continue to be used. The provider shall develop and copy to the BCC a written plan of how they will maintain supervision of children.
19 CSR 30-62.070(3)(D) "All newly added or replaced equipment shall be free of CCA treated lumber (lumber treated with a pressurized solution containing copper chromates and arsenic)."	Outdoor equipment constructed of CCA treated lumber and approved by the BCC prior to the issuance of these rules may continue to be used. Facilities shall comply with 19 CSR 30-62.100(3)(J) which requires that any CCA treated lumber that is accessible to children be treated annually with an oil-based waterproof sealant.
19 CSR 30-62.070(3)(J) "All stationary equipments shall have a minimum of six feet (6') clearance space from other stationary equipment, all walkways, fences, buildings or other structures."	Outdoor equipment approved by the BCC prior to the issuance of these rules and that has a clearance space less than six feet (6') may continue to be used.
19 CSR 30-62.075(4) "Any fence used to restrict children's access to a swimming or wading pool shall be at least forty-eight inches (48") high, shall have a locked gate, and shall be constructed to prevent a child from climbing into the pool."	Fencing approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fencing shall meet the current licensing rule requirement.
19 CSR 30-62.075(18) "A hot tub shall have an approved, locked hard cover in place at all times that children are in care, or the hot tub shall be enclosed by a fence that is at least forty-eight inches (48") high with a locked gate, which is constructed to prevent a child from climbing into the hot tub area."	Fencing approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fencing shall meet the current licensing rule requirement.
19 CSR 30-62.087 Fire Safety Rules	All fire safety rules that have been grandfathered are noted in the text of the fire safety rules.

<p>19 CSR 30-62.090(8)(D) “When local codes are not in effect, on-site sewage disposal systems shall be regulated by the department and shall meet all provisions of sections 701.025 to 701.059, RSMo.”</p>	<p>Sewage systems approved by the department prior to the issuance of these rules may continue to operate these systems as long as the previous conditions of approval are maintained.</p>
<p>19 CSR 30-62.090(16)(K) “Facilities with a capacity of twenty (20) children or fewer shall have dish washing equipment as follows: 1. A mechanical dishwasher that sanitizes by reaching one hundred sixty degrees Fahrenheit (160°F); or 2. A mechanical dishwasher that sanitizes by use of chemicals; or 3. A mechanical dishwasher cycle followed by a sanitizing rinse in a separate sink or compartment; or 4. A three (3)-compartment sink; or 5. A two (2)-compartment sink with a third portable compartment for the final sanitizing step. 6. All sinks or compartments must be large enough to accommodate the largest utensil used.”</p>	<p>Facilities licensed prior to 10/31/91 may continue to use the method for dish washing approved by the environmental sanitarian.</p>
<p>19 CSR 30-62.090(16)(L) “Facilities with a capacity of more than twenty (20) children shall have: 1. Separate food preparation and storage areas from the family food preparation and storage areas. 2. A three (3)-compartment sink, or a commercial dishwasher which meets the 1999 Missouri Food Code 4-204.113-118; 3. Sink compartments used for dish washing shall be large enough to accommodate the largest utensil used.”</p>	<p>Facilities licensed prior to 10/31/91 may continue to use the method for dish washing approved by the environmental sanitarian.</p>
<p>19 CSR 30-62.090(17)(G) “Facilities that exclusively use single service items and do not sanitize dishes or other food containers such as pots and pans, shall install equipment based according to the capacity in order to sanitize toys.”</p>	<p>Facilities licensed prior to the issuance of these rules may continue to sanitize toys using the method approved by the environmental sanitarian.</p>
<p>19 CSR 30-62.090(18)(A) “Facilities shall have bathrooms enclosed with full floor-to-ceiling walls and solid doors. Doors shall be closed when bathroom is not in use.”</p>	<p>Facilities licensed prior to 10/31/91 may continue to operate with the bathroom enclosures approved by the environmental sanitarian.</p>
<p>19 CSR 30-62.090(18)(H) “Facilities shall have mechanical ventilation in all bathrooms.”</p>	<p>Facilities licensed prior to 10/31/91 may continue to operate without mechanical ventilation in bathrooms.</p>
<p>19 CSR 30-62.090(20)(I) “Staff shall be prohibited from going through a door or other barrier to wash their hands after diapering.”</p>	<p>Facilities licensed prior to the issuance of these rules may continue to follow the hand washing method approved by the environmental sanitarian.</p>
<p>19 CSR 30-62.100(6)(L) “Prior to initial licensure, at least one (1) staff member shall be certified in infant and child CPR and first aid with documentation on file at the facility. A staff member with this documented current certification shall be on duty at all times when child care is provided.”</p>	<p>Facilities licensed prior to the issuance of these rules shall be allowed six (6) months in order to be in compliance with this rule.</p>

<p>19 CSR 30-62.112(4) “The following caregiver/child ratios and group sizes for preschool and school-age children shall be maintained in the licensed physical plant at all times: (A) Any group that includes one (1) or more two (2) year olds shall have no less than one (1) caregiver to eight (8) children, with a maximum group size of sixteen (16) children. The group size limitation does not apply to facilities licensed for twenty (20) or fewer children. (B) Any group that includes one (1) or more three (3) or four (4) year olds shall have no less than one (1) caregiver to every ten (10) children, with a maximum group size of twenty (20) children. (C) Any group composed solely of five (5) year olds and older shall have no less than one (1) caregiver to every sixteen (16) children, with a maximum group size of thirty-two (32) children.”</p>	<p>Facilities licensed prior to the issuance of these rules may continue to operate without maximum group sizes.</p>
<p>19 CSR 30-62.162(2) “Overlap care of children under the age of two (2) shall not be permitted.”</p>	<p>Facilities licensed prior to the issuance of these rules and who overlap children under the age of two (2) may continue to do so until the overlapped children turn two (2) years of age. The facility will provide the BCC with a list of all children under the age of two (2) being cared for in overlap. No additional children under the age of two (2) can be overlapped after the issuance of these rules.</p>
<p>19 CSR 30-62.224(2)(A)2.H. “Facilities licensed for more than four (4) infant/toddlers and/or more than twenty (20) children shall meet the following space requirements: No more than sixteen (16) infant/toddlers or sixteen (16) two (2) year olds shall be in a room.”</p>	<p>Facilities licensed prior to the issuance of these rules may continue to have infant/toddler room maximums of twenty-four (24) children and operate exclusive two (2) year old classroom(s) without room maximums.</p>

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting; Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.410 Hunting Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2004 (29 MoReg 1291). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-20.805 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2004 (29 MoReg 1291-1292). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri Dental Board under sections 332.311, RSMo Supp. 2003 and 332.321, RSMo Supp. 2004, the board adopts a rule as follows:

**4 CSR 110-2.111 Addressing the Public—Dental Hygienists
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1163-1164). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 205—Missouri Board of Occupational Therapy
Chapter 4—Supervision**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.050, 324.056 and 324.065.2, RSMo 2000 and 324.086, RSMo Supp. 2003, the board amends a rule as follows:

**4 CSR 205-4.010 Supervision of Occupational Therapy Assistants
and Occupational Therapy Assistant Limited Permit Holders is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1164). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment in support of the proposed amendment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 220—State Board of Pharmacy
Chapter 3—Negative Generic Drug Formulary**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.280, RSMo 2000, the board amends a rule as follows:

**4 CSR 220-3.040 Return and Reuse of Drugs and Devices is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2004 (29 MoReg 970-972). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The commenter appreciated the board's interest in updating the Return and Reuse Drug program (the Program) to keep current with market trends, however, suggested the board retain packaging criteria that continues to protect patients from tampering and mishandling of drugs. The commenter suggested that paragraph (2)(D)4, be omitted because it does not provide this level of protection. Only drug products repackaged in sealed tamper-evident packaging can ensure the necessary safety and stability of the returned drug. The commenter suggested that the Program should not include drugs purchased originally by or for Medicaid patients and the re-used drugs should not be dispensed to Medicaid patients. This would prevent "double dipping" on manufacturer Medicaid rebates. Some states have included language stipulating "No drug dispensed through [the Program] shall be eligible for reimbursement from the Medicaid Pharmacy Program." It was also strongly suggested that the Program rules include language exempting manufacturers from liability for claims or injuries arising from the transfer of drugs pursuant to the Program. The rationale for this change is that the returned drugs have been completely out of the manufacturer's control. Therefore, manufacturers should not be held legally responsible for harm that is caused by changes to the drug that have occurred after the drug was dispensed the first time. The commenter proposed the board amend the program rules with the following language: "No pharmaceutical manufacturer shall be liable for any claim or injury arising from the transfer of any prescription drug pursuant to the provisions of this section, including but not limited to liability for failure to transfer or communicate product or consumer information regarding the transferred drug, as well as the expiration date of the transferred drug." RESPONSE: The board discussed the comment during a recent conference call, however, no change was made to the text of the rule based on the comments received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 220—State Board of Pharmacy
Chapter 4—Fees Charged by the Board of Pharmacy**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.020, 338.035, 338.040, 338.060, 338.070, 338.140, 338.185, 338.280 and 338.350, RSMo 2000 and 338.013 and 338.220, RSMo Supp. 2004, the board amends a rule as follows:

4 CSR 220-4.010 General Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2004 (29 MoReg 973). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 220—State Board of Pharmacy
Chapter 4—Fees Charged by the Board of Pharmacy**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 109.190, 338.140 and 338.280, RSMo 2000 and 620.145, RSMo Supp. 2004, the board rescinds a rule as follows:

4 CSR 220-4.020 Miscellaneous Fees is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2004 (29 MoReg 973-974). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.612, 337.618, 337.650, 337.662, 337.668, 337.677, RSMo Supp. 2003 and 337.627, RSMo 2000, the committee adopts a rule as follows:

4 CSR 263-2.082 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1175-1179). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three (3) comments were received from the National Association of Social Workers-Missouri Chapter (NASW-Missouri) by the committee.

COMMENT: NASW-Missouri stated that the February 24, 2004 minutes reflected that the committee voted unanimously that the text of the original purpose statement be changed to the language that NASW-Missouri recommended for this rule.

RESPONSE AND EXPLANATION OF CHANGE: The division concurred and amended the original purpose statement.

COMMENT: NASW-Missouri stated that reference to section (7) as made in subsection (5)(G) was incorrectly stated. The reference should be section (8).

RESPONSE: The division concurred and amended subsection (5)(G).

COMMENT: NASW-Missouri stated the February 24, 2004 minutes reflected that the committee voted to consolidate the following language into section (10): "Three (3) credit hours of continuing education may be granted for initial preparation for supervision of undergraduate and graduate practicum students, provided such preparation entails a formal learning program. The maximum credit of supervision of a practicum shall not exceed twenty percent (20%) of the continuing education requirement per year."

RESPONSE AND EXPLANATION OF CHANGE: The board discussed the comment and made further revisions to the suggested language for section (10).

4 CSR 263-2.082 Continuing Education

PURPOSE: This rule sets continuing education requirements for renewal of licenses to practice as a licensed social worker and establishes the basic continuing education standards. The goal of continuing education is to ensure quality social work services to clients. The requirements for continuing education are grounded in the ethical principle to develop and enhance professional expertise and increase competence in service and delivery.

(5) The term "programs" refers to both formal group and formal self-study courses, that comply with the following standards:

(G) Each program shall provide a mechanism for evaluation of the program by the participants. The evaluation may be completed on-site immediately following the program or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor, as defined in section (8), and the instructor or discussion leader, together, shall review the evaluation outcome and revise subsequent programs accordingly; and

(10) Initial one (1)-time preparation and presentation of a social work course, seminar, institute, or workshop will be granted a maximum of five (5) hours. Credit for either preparation or presentation shall not be granted for repetitious presentations. Three (3) of the five (5) instructional hours may be granted for supervision performed for any of the following: social work applicants, impaired licensees; licensees under disciplinary sanction or peer review of another licensee's therapy skills which includes consultation, conference and critique; undergraduate and graduate practicum students; or specialty applicants. Credit as an instructor, discussion leaders including time devoted to preparation, or supervisors shall not exceed thirty-three percent (33%) of the continuing education requirement per year.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.650, 337.677 and 337.680, RSMo Supp. 2003; 337.615 and 337.665, RSMo Supp. 2004; and 337.627 and 337.630, RSMo 2000, the committee amends a rule as follows:

4 CSR 263-3.010 Scope of Coverage and Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1180). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.650, 337.677, and 337.680, RSMo Supp. 2003; 337.615 and 337.665, RSMo Supp. 2004; and 337.627 and 337.630, RSMo 2000, the committee amends a rule as follows:

4 CSR 263-3.060 Relationships with Colleagues is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1180). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.650, 337.677, and 337.680, RSMo Supp. 2003; 337.615 and 337.665, RSMo Supp. 2004; and 337.627 and 337.630, RSMo 2000, the committee amends a rule as follows:

4 CSR 263-3.080 Public Statement/Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1180-1181). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.650, 337.677, and 337.680, RSMo Supp. 2003; 337.615 and 337.665, RSMo Supp. 2004; and 337.627 and 337.630, RSMo 2000, the committee amends a rule as follows:

4 CSR 263-3.100 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1181-1182). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received by the committee from the National Association of Social Workers-Missouri Chapter (NASW-Missouri).

COMMENT: NASW-Missouri stated that social workers not only have an ethical responsibility to protect the confidentiality of the client's information, but also must respect and adhere to the federal and state laws governing their profession and practice around the issue. The federal government has authorized the HIPAA rules and regulations, which would need to be considered for the transfer of confidential information with a client. NASW-Missouri recommended the following language: "A licensed social worker, provisional licensed social worker, temporary permit holder and registrant shall not forward to another person, agency or potential employer any confidential information without the written consent of the client(s) or their legal guardian(s) not shall they violate any laws or regulations of this state or the federal government with respect to this information."

RESPONSE: The division concurred and amended section (5).

4 CSR 263-3.100 Confidentiality

(5) A licensed social worker, provisional licensed social worker, temporary permit holder and registrant shall not forward to another person, agency or potential employer any confidential information without the written consent of the client(s) or their legal guardian(s) nor shall they violate any laws or regulations of this state or the federal government with respect to this information.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.650, 337.677, and 337.680, RSMo Supp. 2003; 337.615 and 337.665, RSMo Supp. 2004; and 337.627 and 337.630, RSMo 2000, the committee amends a rule as follows:

4 CSR 263-3.120 Research on Human Subjects is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1182). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 270—Missouri Veterinary Medical Board Chapter 4—Minimum Standards

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 41.946, 340.210, 340.258, and 340.268, RSMo 2000, the board amends a rule as follows:

4 CSR 270-4.042 Minimum Standards for Continuing Education for Veterinarians is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1182–1183). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 270—Missouri Veterinary Medical Board Chapter 4—Minimum Standards

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 41.946, 340.210, 340.258, and 340.324, RSMo 2000, the board amends a rule as follows:

4 CSR 270-4.050 Minimum Standards for Continuing Education for Veterinary Technicians is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1183). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Division 30—Division of Labor Standards Chapter 3—Prevailing Wage Law Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Labor Standards under section 290.240.2, RSMo 2000, the division amends a rule as follows:

8 CSR 30-3.060 Occupational Titles of Work Descriptions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (28 MoReg 1192–1193). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Labor Standards received one (1) comment expressing support of the proposed amendment.

RESPONSE: None required.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 60—Missouri Health Facilities Review Committee Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (Committee) under section 197.320, RSMo 2000, the Committee withdraws a proposed amendment as follows:

19 CSR 60-50.420 Review Process is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 2004 (29 MoReg 847-848). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: During the review period of the Joint Committee on Administrative Rules (JCAR), issues were raised questioning how the Committee was handling non-applicability determinations, when the Criteria and Standards were being referenced as guidelines, and why the fiscal note did not exceed five hundred dollars (\$500). JCAR subsequently disapproved this proposed amendment on August 25, 2004.

RESPONSE: As a result, the Committee is withdrawing this proposed amendment.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (Committee) under section 197.320, RSMo 2000, the committee withdraws a proposed amendment as follows:

19 CSR 60-50.450 Criteria and Standards for Long-Term Care is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 2004 (29 MoReg 848-849). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: During the review period of the Joint Committee on Administrative Rules (JCAR), issues were raised questioning how the Committee was handling occupancy rates, how the Criteria and Standards were being applied, and why the fiscal note did not exceed five hundred dollars (\$500). JCAR subsequently disapproved this proposed amendment on August 25, 2004.

RESPONSE: As a result, the Committee is withdrawing this proposed amendment.

**Title 20—DEPARTMENT OF INSURANCE
Division 400—Life, Annuities and Health
Chapter 7—Health Maintenance Organizations**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 400-7.095 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2004 (29 MoReg 986-992). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Insurance (MDI) received five (5) comments on the proposed amendment.

COMMENT: The MDI received four (4) comments regarding the provisions of (1)(I)1.D., asking that the regulation specify that children's hospitals are excluded from the basic hospital enrollee access rate, and not all enrollee access rates.

RESPONSE AND EXPLANATION OF CHANGE: The MDI agrees with this comment. Therefore, the provisions of (1)(I)1.D. have been changed accordingly.

COMMENT: The MDI received two (2) comments regarding the provisions of (2)(A), asking the MDI to eliminate the requirement for an annual filing, in that provider networks do not change substantially from year to year, and accrediting organizations review accredited HMOs every other year or every three (3) years.

RESPONSE: At this time, MDI finds that provider networks continue to change on a basis frequent enough to warrant an annual filing. In addition, legislative changes that affect provider networks have historically occurred every year. Therefore, no change has been made in response to this comment.

COMMENT: The MDI received two (2) comments regarding the provisions of (2)(A)1.C., asserting that because an HMO must already demonstrate adequate access according to the standards of this rule when filing a request for a service area expansion, the language of this provision is redundant.

RESPONSE: The MDI respectfully disagrees. New service areas have been reviewed by neither the accrediting body nor the MDI in a manner consistent with this rule. Therefore, no changes have been made in response to this comment.

COMMENT: The MDI received one (1) comment regarding the provisions of (2)(A)3.A.(I), which stated that the language of this part should be clarified to better express the department's intent that triage, treatment, and transfer protocols need to cover post-emergency situations when members have received emergency care from a non-participating provider.

RESPONSE AND EXPLANATION OF CHANGE: The MDI agrees with this comment. Therefore, the provisions of (2)(A)3.A.(I) have been changed accordingly.

COMMENT: The MDI received two (2) comments regarding the provisions of (2)(A)3.E. One (1) comment asked the MDI to define the word "reasonable" in that provision. Another comment stated that the provisions of the subparagraph require access to providers of non-covered services, amounting to mandatory access to any provider not listed in Exhibit A of this rule.

RESPONSE AND EXPLANATION OF CHANGE: The MDI declines to change the proposed language as it relates to the use of the word "reasonable." In a previous proposal, the MDI included a definition of "reasonable" that is applied when a consumer complains to the department about access to care. The inclusion of that language generated much opposition. The currently proposed language incorporates the agreement that the MDI reached with those parties objecting to the previously proposed language. Therefore, no change has been made in response to that comment.

The MDI agrees with the second comment that this rule should not act to impose coverage mandates with no legislative basis. Therefore, the provisions of (2)(A)3.E. have been changed accordingly.

COMMENT: The MDI received one (1) comment asking that the provisions of (2)(B)1. be changed such that the MDI would be able to allow more than thirty (30) days' time if the replacement of one (1) accreditation with a renewed or alternative accreditation is in progress, but will not be finalized within thirty (30) days.

RESPONSE AND EXPLANATION OF CHANGE: The MDI agrees with this comment. Therefore, the provisions of (2)(B)1. have been changed accordingly.

COMMENT: The MDI received two (2) comments regarding the provisions of (2)(B)2., stating that the term “significant,” as used in that paragraph, was subjective and undefined.

RESPONSE AND EXPLANATION OF CHANGE: The MDI agrees with this comment. Therefore, the provisions of (2)(B)2. have been changed and clarified accordingly.

COMMENT: The MDI received one (1) comment regarding the provisions of (3)(B). The writer of this comment stated that the language of this subsection is ambiguous and seems to represent an additional review process, which should be eliminated.

RESPONSE: The MDI respectfully disagrees, in that the proposed subsection states the actions that the MDI currently takes with regard to its review process. Therefore, no change has been made in response to this comment.

COMMENT: The MDI received one (1) comment regarding the provisions of (4)(C)1.B., stating that the provisions of this subparagraph repeat a requirement to assure adequate access to care, and is, therefore, unnecessary.

RESPONSE: The MDI does receive complaints related to this issue, and the proposed language serves to state the manner in which the MDI interprets the law. Therefore, no change has been made in response to this comment.

COMMENT: The MDI received two (2) comments regarding the provisions of (4)(C)1.C. One (1) comment asked the MDI to further define the term “reasonable.” One (1) comment noted that the language appears to erroneously require access to any health care provider, regardless of plan coverage options.

RESPONSE: As stated above, the current proposal reflects the MDI’s agreement with various parties regarding the meaning of the word “reasonable.” The other comment appears to address the language of a withdrawn proposal. Therefore, no change has been made in response to this comment.

EXPLANATION OF ADDITIONAL CHANGES: Based upon internal discussions and review, the proposed amendment has been modified. The word “reasonable” in the second sentence of subparagraph (2)(A)3.E. was changed to “unreasonable.” The department wants to assure that access to in-network providers is provided in a reasonable time frame, such that any delays in accessing them are not unreasonable. The change more accurately reflects the language of section 354.603, RSMo.

Additionally, the second sentence in part (3)(A)1.B.(IV) was changed to refer to “the exception provided for in this part, ...” instead of “in this section.” The department wanted to clarify this technical referencing error.

Finally, it was noted by the department that Exhibit B lacked the signature line for the notary’s signature at the end of the affidavit. A signature line has, therefore, been added.

20 CSR 400-7.095 HMO Access Plans

(1) Definitions.

(I) Hospitals—

1. Basic—Hospitals that meet any of the following criteria:

A. Licensed hospitals that designate themselves as general medical surgical hospitals in the Department of Health and Senior Services licensure survey and which offer general medical surgical care to all ages of the general population;

B. State-owned hospitals that provide general medical surgical care and are available to the general population, such as a university teaching hospital;

C. Hospitals located in an adjacent state, appropriately licensed by that state, and offering general medical surgical care to all ages of the general population; or

D. Children’s hospitals, except that children’s hospitals shall not be included in the calculation of the basic hospital enrollee access rate.

2. Secondary—Basic hospitals with at least one (1) operating room, obstetrics unit, and intensive care unit.

(2) Requirements for Filing Access Plans.

(A) Annual filing—By March 1 of each year, an HMO must file an access plan for each managed care plan it was offering in this state on January 1 of that same year. An HMO may file separate access plans for each managed care plan it offers, or it may file a consolidated access plan incorporating information for multiple managed care plans that it offers, so long as the information submitted with the consolidated access plan clearly identifies the managed care plan or plans to which it applies. The access plan must contain the following information for each managed care plan to which it applies:

1. Pursuant to section 354.603.2(1), RSMo, either:

A. Information regarding the participating providers in each managed care plan’s network and the enrollees covered by each managed care plan in a format to be determined by the department including, but not limited to, the following:

(I) The name, address where medical care is provided, zip code, professional license number or other unique identifier as assigned by the appropriate licensing or oversight agency, and specialty, degree or type of each provider;

(II) Whether or not the provider is a closed practice provider, as defined in subsection (1)(C) of this regulation, above; and

(III) The number of enrollees by either work or residence zip code in each managed care plan to which the access plan applies;

B. Proof of accreditation identifying the accredited entity and an affidavit in the form contained in Exhibit B, which is included herein, certifying that the managed care plan to which the affidavit applies has met one (1) or more of the following standards:

(I) The managed care plan is a Medicare+Choice (M+C) or successor coordinated care plan operated by the HMO pursuant to a contract with the federal Centers for Medicare and Medicaid Services;

(II) The managed care plan is accredited by the National Committee for Quality Assurance (NCQA), or successor organization, at a level of “accredited” or better, and such accreditation is in effect at the time the access plan is filed;

(III) The managed care plan’s network is accredited by the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO), or successor organization, at a level of “accredited” or better, and such accreditation is in effect at the time the access plan is filed. The presence of any Type I recommendations for standards related to access to care shall prevent JCAHO accreditation from fulfilling the requirements of this part. The department shall annually review current JCAHO requirements and identify the specific JCAHO standards that address access to care. The department will annually notify all HMOs of those JCAHO standards that address access to care;

(IV) The managed care plan is accredited by the utilization review accreditation commission (URAC), or successor organization, at a level of full URAC Health Plan accreditation, and such accreditation is in effect at the time the access plan is filed; or

(V) The managed care plan or its network is accredited by any other nationally recognized managed care accrediting organization, similar to those above, that is approved by the department prior to the filing of the access plan, and such accreditation is in effect at the time the access plan is filed. Requests for approval of another nationally recognized managed care accrediting organization must be submitted to the department no later than October 15 of the year prior to the year the access plan is filed;

C. If the managed care plan’s service area has expanded beyond that which was in effect at the time the current accreditation was awarded, then the department may request additional data on that

service area expansion pursuant to the provisions of (2)(A)1.A., above.

2. Pursuant to section 354.603.2(2) through (8), RSMo, a written description with any relevant supporting documentation addressing each of the requirements set forth in that statute.

3. Pursuant to section 354.603.2(9), RSMo, the following information:

A. For all managed care plans, information demonstrating that:

(I) Emergency medical services—A written triage, treatment and transfer protocol for all ambulance services and hospitals is in place. The protocol shall address post-emergency situations when members have received emergency care from a non-participating provider;

(II) Home health providers—Home health providers are contracted to serve enrollees in each county where enrollment is reported. A home health provider need not be physically located or headquartered in each county. However, there must be at least one (1) home health provider under contract to serve enrollees in each county if the need arose; and

(III) Administrative measures are in place which ensure enrollees timely access to appointments with the medical providers listed in Exhibit A, based on the following guidelines:

(a) Routine care, without symptoms—within thirty (30) days from the time the enrollee contacts the provider;

(b) Routine care, with symptoms—within one (1) week or five (5) business days from the time the enrollee contacts the provider;

(c) Urgent care for illnesses/injuries which require care immediately, but which do not constitute emergencies as defined by section 354.600, RSMo—within twenty-four (24) hours from the time the enrollee contacts the provider;

(d) Emergency care—a provider or emergency care facility shall be available twenty-four (24) hours per day, seven (7) days per week for enrollees who require emergency care as defined by section 354.600, RSMo;

(e) Obstetrical care—within one (1) week for enrollees in the first or second trimester of pregnancy; within three (3) days for enrollees in the third trimester. Emergency obstetrical care is subject to the same standards as emergency care, except that an obstetrician must be available twenty-four (24) hours per day, seven (7) days per week for enrollees who require emergency obstetrical care; and

(f) Mental health care—telephone access to a licensed therapist shall be available twenty-four (24) hours per day, seven (7) days per week.

B. For all managed care plans, a section demonstrating that the entire network is available to all enrollees of a managed care plan, including reference to contracts or evidences of coverage that clearly state the entire network is available and describing any network management practices that affect enrollees' access to all participating providers;

C. For employer specific networks, a section demonstrating that the group contract holder agreed in writing to the different or reduced network. An employer specific network is subject to the standards in this rule;

D. For all managed care plans, a listing of the product names used to market those plans;

E. For all managed care plans, written policies and procedures to assure that, with regard to providers not addressed in Exhibit A of this regulation, access to providers is reasonable. For otherwise covered services, the policies and procedures must show that the HMO will provide out-of-network access at no greater cost to the enrollee than for access to in-network providers if access to in-network providers cannot be assured without unreasonable delay; and

F. Any other information the department may require.

(B) Updates to annual filing—An HMO must file an updated access plan for a managed care plan if, at any time between the time annual access plan filings are due, one (1) of the following occurs:

1. If an affidavit was submitted for a managed care plan pursuant to the provisions of (2)(A)1.B., above, and the accreditation specified in the affidavit is no longer in effect, the HMO must file, within thirty (30) days of the date such accreditation is no longer in effect, or such longer period of time as the department determines is reasonable, either:

A. Network and enrollee information for the managed care plan as required by the provisions of (2)(A)1.A., above; or

B. If the accreditation has been replaced by alternative acceptable accreditation, an affidavit as required by the provisions of (2)(A)1.B., above.

2. If changes in the network or in the number or location of enrollees cause an accredited managed care plan not to meet any of the distance standards set forth in Exhibit A, the HMO must file, within thirty (30) days of such changes, updated network and enrollee information as required.

3. If network and enrollee information was submitted for a managed care plan pursuant to the provisions of (2)(A)1.A., above, and changes in the network or number of enrollees may cause the managed care plan not to meet any of the distance standards set forth in Exhibit A, the HMO must file, within thirty (30) days of such changes, updated network and enrollee information as required by the provisions of (2)(A)1.A., above.

(3) Evaluation of Access Plans.

(A) For the information submitted pursuant to section 354.603.2(1), RSMo, the information will be evaluated as follows:

1. If information regarding a managed care plan's network and enrollees is submitted, the department will calculate the enrollee access rate for each type of provider in each county in the HMO's approved service area to determine if the average enrollee access rate for each county and the average enrollee access rate for all counties is greater than or equal to ninety percent (90%). In calculating the enrollee access rate for a managed care plan, the department will give consideration to the following:

A. Tertiary services may be contracted at one (1) hospital, or among multiple hospitals; and

B. With the department's approval, a managed care plan's network may receive an exception for one (1) or more of the distance standards set forth in Exhibit A under the following circumstances:

(I) Quality of care exception—An exception may be granted if the managed care plan's access plan is designed to significantly enhance the quality of care to enrollees, demonstrates that it does in fact enhance the quality of care, and imposes no greater cost on enrollees than would be incurred if they had access to contracted, participating providers as otherwise required under this rule;

(II) Noncompetitive market exception for PCPs and pharmacies—In the event an HMO can demonstrate to the department that there is not a competitive market among PCPs and/or pharmacies who meet the HMO's credentialing standards, and who are qualified within the scope of their professional license to provide appropriate care and services to enrollees, the department may grant an exception for the managed care plan's network that doubles the distance standard indicated in Exhibit A for PCPs or pharmacies;

(III) Noncompetitive market exception for other provider types—If no provider (exclusive of PCPs and pharmacies) of the appropriate type provides services to enrollees of a managed care plan in a county within the distance standards indicated in Exhibit A, an exception may be granted if the HMO can demonstrate that no fewer than ninety percent (90%) of the population of that county (or, at the HMO's discretion, ninety percent (90%) of the enrollees residing or working in the county) have access to a participating provider of the appropriate type, which provider is located no more than twenty-five (25) miles further than the provider closest to that county;

(IV) Staff or Independent Practice Association (IPA) Model exception—An exception may be granted for those health care services provided to enrollees of the managed care plan if substantially all of those services are provided by the HMO to its enrollees

through qualified full-time employees of the HMO or qualified full-time employees of a medical group that does not provide substantial health care services other than on behalf of such HMO. In order to qualify for the exception provided for in this part, an HMO must demonstrate that all or substantially all of the type of health care services in question are provided by full-time employees, that enrollees have adequate access to such health care services as described in the provisions of (2)(A)3.A., above, and that the contract holder was made aware of the circumstances under which such services were to be provided prior to the decision to contract with the HMO for that managed care plan; or

(V) Use of physician extenders—If there is insufficient availability of physicians of the appropriate type providing services to enrollees of a managed care plan in a county within the distance standards indicated in Exhibit A, an exception may be granted for the use of physician extenders. The HMO must demonstrate that enrollees residing or working in the county may access a participating provider who may be either a physician or an advanced practice nurse rendering care under a collaborative agreement pursuant to 4 CSR 200-4.200, and in accordance with the provider contracts and health benefit plans of the HMO. An exception may be granted for other types of physician extenders in addition to advanced practice nurses if information is submitted justifying, to the satisfaction of the department, that the other types of physician extenders are able to provide the appropriate services within the scope of their license, and in accordance with the provider contracts and health benefit plans of the HMO.

2. If an affidavit is submitted, the department will review it to make sure that it meets all the requirements of Exhibit B. If the access plan is a consolidated access plan including information for more than one (1) managed care plan, the department will also review the affidavit for the following:

A. An affidavit that relies upon a managed care plan being an M+C or successor coordinated care plan will only apply to the specific managed care plan that is such a plan. All other managed care plans included in the access plan must be accompanied by either network information pursuant to the provisions of (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to the provisions of (2)(B)1.B., above;

B. An affidavit that relies upon a managed care plan being accredited by the NCQA, or successor organization, will only apply to the specific managed care plan included with the accreditation. All other managed care plans included in the access plan must be accompanied by either network information pursuant to the provisions of (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to the provisions of (2)(B)1.B., above;

C. An affidavit that relies upon a managed care plan's network being accredited by the JCAHO, or successor organization, will only apply to that portion of the managed care plan's network that is included within the accreditation. For the remainder of the network, either network information pursuant to the provisions of (2)(A)1.A., above, or an affidavit indicating the remaining network is otherwise accredited pursuant to the provisions of (2)(B)1.B., above, must be submitted. All other managed care plans included in the access plan must be accompanied by either network information pursuant to the provisions of (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to the provisions of (2)(B)1.B., above;

D. An affidavit that relies upon a managed care plan being accredited by URAC, or successor organization, will only apply to the specific managed care plan included with the accreditation. All other managed care plans included in the access plan must be accompanied by either network information pursuant to the provisions of (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to the provisions of (2)(B)1.B., above;

E. An affidavit that relies upon a managed care plan being accredited by any other nationally recognized managed care accrediting organization, similar to those above, will only apply to the specific managed care plan included with the accreditation. All other

managed care plans included in the access plan must be accompanied by either network information pursuant to the provisions of (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to the provisions of (2)(B)1.B., above.

Exhibit B**AFFIDAVIT PURSUANT TO 20 CSR 400-7.095(2)(A)1.B.**

State of _____)
 _____)
 County of _____)

ss.

_____, first being duly sworn, on his/her oath states:

He/she is the _____ of _____,
 (Insert Name) (Insert Title of Individual) (Insert Name of HMO)
 a(n) _____ corporation, and as such officer is duly authorized to make this affidavit
 (Insert State of Incorporation)
 on behalf of said corporation;

The managed care plan to which this affidavit applies is known by the product name(s):

 _____;
 (Insert Product Name(s) used by the HMO for this Managed Care Plan; if none, so state)

The form number(s) of the health benefit plan for this managed care plan are:

 _____;
 (Insert Form Numbers as Filed for Approval with the Department of Insurance)

The effective dates for each accreditation for Medicare+Choice (M+C) or successor coordinated care plan contract are:

 _____;
 _____;

This managed care plan meets the following criteria:

(insert an "X" in one or more of the following, as applicable.)

_____ The managed care plan is a Medicare+Choice coordinated care plan offered pursuant to a contract with the federal Centers for Medicare and Medicaid Services, and the contract is currently in effect;

_____ The managed care plan is accredited by the National Committee for Quality Assurance (NCQA) at a level of "accredited" or better, and the accreditation is currently in effect;

_____ All/some (circle one) of the managed care plan's network is accredited by the Joint Commission on the Accreditation of Health Organizations (JCAHO), or successor organization, at a level of "accreditation without type I recommendations" or better, and the accreditation is currently in effect. (If "some" is circled, additional information for that portion of the Network not covered by the JCAHO accreditation must be submitted pursuant to 20 CSR 400-7.095(2)(A)1.A. or B.)

_____ The managed care plan is accredited by the American Accreditation Healthcare Commission (URAC) for full URAC Health Plan accreditation, and the accreditation is currently in effect;

_____ The managed care plan or its network is accredited by _____, this accreditation was approved by the department prior to the date of this affidavit, and this accreditation is currently in effect.

 (Signature of Affiant Corporate Officer)

Subscribed and sworn to before me this _____ day of _____, 20____.
 My commission expires _____, 20____.

 Notary Public

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 25-10.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers With Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before December 15, 2004.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *E-mail:* Kathy.Hatfield@modot.mo.gov
- *Mail:* PO Box 893, Jefferson City, MO 65102-0893
- *Hand Delivery:* 105 West Capitol Ave., Jefferson City, MO 65101
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 105 West Capitol Ave., Jefferson City, MO 65101, between 9 a.m. and 5 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-

0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, *Missouri Revised Statutes* (RSMo) Supp. 2002, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP040317022

Applicant's Name & Age: Don Wayne Swanigan, 47

Relevant Physical Condition: Mr. Swanigan lost all vision in his right eye due to an accident involving glass in 1986. In his left eye, uncorrected visual acuity is 20/20 Snellen.

Relevant Driving Experience: Employed by APAC MO Inc. as a mechanic from 1998 to present and has driven approximately 10-15 hours per week. Employed as a mechanic for Lake Ozark Construction from 1985 to 1998. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in April, 2004, his optometrist certified, "In my medical opinion, Mr. Swanigan's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic accidents and violations: No accidents or violations within the past 3 years.

Application # MP040624045

Applicant's Name & Age: Thomas Walton Grimm, 55

Physical Condition: Mr. Grimm developed a scar in the macula of his left eye as an infant, relating to measles, that impairs his central detailed visual acuity; however, his peripheral vision remains intact. In his right eye, uncorrected visual acuity is 20/25 and corrected 20/16 Snellen.

Relevant Driving Experience: Employed by APAC MO Inc. as a mechanic from 2000 to present and has driven approximately 12 hours per week. Employed as a mechanic at MMECO in Columbia, MO from 1996 to 2000. Employed as a mechanic at Roland Equipment Co. in Columbia, MO from 1988 to 1996. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in April, 2004, his optometrist certified, "In my medical opinion, Mr. Grimm's visual deficiency is stable and has sufficient vision to perform the driving

tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely.”

Traffic accidents and violations: One traffic accident in June 2003: a vehicle struck the left side of applicant’s vehicle while at an intersection controlled by stop signs. No violations indicated on driving record.

Application # MP040419031

Applicant’s Name & Age: Rocky Allen Belt, 35

Relevant Physical Condition: Mr. Belt lost his right eye in an accident in 1982 and has had a prosthetic eye since that accident. In his left eye, uncorrected visual acuity is 20/20 Snellen.

Relevant Driving Experience: Employed by MoDOT, Willow Springs, MO as a temporary roadside crew from April 2004 to present, and April 2003 to October 2003. Employed by Crown Tractor, West Plains, MO as a truck driver from March 2002 to May 2002 and drove a Mack with a flat bed approximately 10,000 miles. Drives personal vehicle(s) daily.

Doctor’s Opinion & Date: Following an examination in May, 2004, his optometrist certified, “In my medical opinion, Mr. Belt’s visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely.”

Traffic accidents and violations: No accidents or violations within the past 3 years.

Request for Comments.

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued on: Monday, August 16, 2004.

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

Construction Transient Employers

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
A FISCHER BUILDERS INC	814 OHIO ST	QUINCY	IL	62301
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACADEMY ROOFING & SHEET METAL CO	6361 NE 14TH ST	DES MOINES	IA	50313
ACCEPTANCE CAPITAL MORTGAGE CORPORATION	112 N UNIVERSITY STE 200	SPOKANE	WA	99206
ACI MECHANICAL CORPORATION	3116 SOUTH DUFF AVE	AMES	IA	50010
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADDISON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
ADVANTAGE PROFESSIONAL OF PHOENIX LLC	1995 WEHRLE DR	WILLIAMSVILLE	NY	14221
AEI INC	735 GLASER PKWY	AKORN	OH	44306
AERIAL SOLUTIONS INC	7074 RAMSEY FORD ROAD	TABOR CITY	NC	28463
AIDE INC	2510 WADE HAMPTON BLVD	GREENVILLE	SC	29606
AKERMAN CONSTRUCTION CO INC	2915 SH 74 SOUTH	PURCELL	OK	73080
AKI CONTROL SYSTEMS INC	P O BOX 444	WALLER	TX	77484
ALL IOWA CONTRACTING CO	5613 MCKEVETTE RD	WATERLOO	IA	50701
ALLIANCE ENTERPRISES INC	5421 PENINSULA DR S E	OLYMPIA	WA	98513
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED STEEL CONSTRUCTION CO LLC	2211 NW FIRST TERRACE	OKLAHOMA CITY	OK	73107
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
ALVAREZ ENVIRONMENTAL LLC	4631 INVERNESS DR	POST FALLS	ID	83854
AMERICAN CIVIL CONSTRUCTORS INC	4901 S WINDERMERE ST	LITTLETON	CO	80120
AMERICAN COATINGS INC	612 W IRIS DR	NASHVILLE	TN	37204
AMERICAN DIGITAL SYSTEMS\FIBRACOM	12787 E 41ST ST	TULSA	OK	74145
AMERICAN MASONRY CO	1016 W EUCLID	PITTSBURG	KS	66762
AMERICASDOCTOR.COM COORDINATORS SERVICES INC	3315 S 23RD STR 108	TACOMA	WA	98405
ANDERSEN TRENCHING & EXCAVATING INC	17263 SUMAC RD	HONEY CREEK	IA	51542
ANGELO IAFRATE CONSTRUCTION COMPANY	26400 SHERWOOD	WARREN	MI	48091
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
ANYTHING AQUATIC INC	2217 WESTCHESTER RD	LAWRENCE	KS	66049
API INC	2366 ROSE PL	ST PAUL	MN	55113
APPLIKON INC	1165 CHESS DR STE G	FOSTER CITY	CA	94404
ARCHITECTURAL GLAZING PROFESSIONALS	11655 CLARE RD	OLATHE	KS	66061
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	03234

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ARNOLD & MADSON INC	1995 CENTURY AVE SO	WOODBURY	MN	55125
ARR ROOFING LLC	8909 WASHINGTON ST	OMAHA	NE	68127
ARROWHEAD SERVICES INC	12920 METCALF STE 150	OVERLAND PARK	KS	66213
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ATLAS INDUSTRIAL HOLDINGS LLC	5275 SINCLAIR RD	COLUMBUS	OH	43229
AUGERS UNLIMITED INC	11933 KAW DRIVE	KANSAS CITY	KS	66111
AUREUS RADIOLOGY LLC	11825 Q ST	OMAHA	NE	68137
AUTRY CONSTRUCTION INC	140 E 3RD	BAXTER SPRINGS	KS	66713
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO	CA	91710
B & B DRYWALL CO INC	10567 WIDMER	LENEXA	KS	66215
B & B PERMASTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
B & D ELECTRIC INC	P O BOX 43	STAMPS	AR	71860
B C U ELECTRIC INC	1019 US 250 N	ASHLAND	OH	44805
BALL CONSTRUCTION INC	13922 WEST 108TH ST	LENEXA	KS	66215
BARNESCO INC	2002 CEDAR CREST	ARKANSAS CITY	KS	67005
BARROWS EXCAVATION INC	49 COUNTY RD #404	BERRYVILLE	AR	72616
BARTLETT NUCLEAR INC	60 INDUSTRIAL PARK RD	PLYMOUTH	MA	02360
BARTLOW BROTHERS INC	S LIBERTY STREET RD	RUSHVILLE	IL	62681
BAZIN EXCAVATING INC	20160 W 191ST	SPRINGHILL	KS	66083
BE & K ENGINEERING COMPANY	2000 INTERNATIONAL PK DR	BIRMINGHAM	AL	35243
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BEW CONSTRUCTION CO INC	1319 MAIN ST	WOODWARD	OK	73801
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE	KS	66044
BIVOUAC ENGINEERING & SERVICE CO LLC	588 MEADOW LANE	MARION	OH	43302
BJ ERECTION CORPORATION	16626 MILES AVE	CLEVELAND	OH	44128
BLAHNIK CONSTRUCTION CO	150 50TH AVE DR SW	CEDAR RAPIDS	IA	52404
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE	KS	66062
BLICKS CONSTRUCTION CO INC	LOCK & DAM RD	QUINCY	IL	62301
BONNEVILLE CONSTRUCTION CO INC	5005 E CAREY AVE	LAS VEGAS	NV	89115
BOYD ELECTRIC INC	3315 N 70TH ST	KANSAS CITY	KS	66109
BRADEN CONSTRUCTION SERVICES INC	5110 N MINGO RD	TULSA	OK	74117
BRB CONTRACTORS INC	400 W CURTIS	TOPEKA	KS	66608
BRINK ELECTRIC CONSTRUCTION CO	2950 N PLAZA DR	RAPID CITY	SD	57702
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER	AR	72058
BRUCE TRUCKING AND EXCAVATING INC	4401 HWY 162	GRANITE CITY	IL	62040
BRYAN POWELL DRYWALL INC	4330 PARKER LN	TEXARKANA	AR	71854
BUILDINGS INC	235 SOUTH 40TH	SPRINGDALE	AR	72765
BUILT WELL CONSTRUCTION CO	MAIN ST HWY 279 S	HIWASSE	AR	72739
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
C IBER & SONS INC	3212 N MAIN	EAST PEORIA	IL	61611
CABLE CONSTRUCTORS INC	105 KENT ST	IRON MOUNTAIN	MI	49801
CALLS METAL BLDG ERECTORS INC	8128 12TH ST	SOMERS	WI	53171

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CARNEY DEMOLITION	303 S HALSTED	CHICAGO	IL	60661
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334
CAS CONSTRUCTION INC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION CO	1325 W LAKE ST	ROSELLE	IL	60172
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566
CASYSTEMS INTERNATIONAL INC	8300 COLESVILLE RD 700	SILVER SPRING	MD	20910
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CDK SKANSKA INC	800 S HUTTON RD	FARMINGTON	NM	87401
CELLXION WIRELESS SERVICES LLC	5031 HAZEL JONES RD	BOSSIER CITY	LA	71111
CENTRAL CEILING SYSTEMS INC	105 INDUSTRIAL PARK	DEERFIELD	WI	53531
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CENTRAL STATES ENVIRONMENTAL SERVIC	609 AIRPORT ROAD	CENTRALIA	IL	62801
CENTURY MECHANICAL CONTRACTORS INC	15480 S 169 HWY	OLATHE	KS	66051
CHAMPION EXPOSITION SERVICES	139 CAMPANELLI DRIVE	MIDDLEBORO	MA	02346
CHANCE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75948
CHESTER PHILLIPS CONSTRUCTION COMPANY	1501 N UNIVERSITY STE 740	LITTLE ROCK	AR	72207
CHRIS GEORGE HOMES INC	2111 E SANTA FE #112	OLATHE	KS	66062
CHRISTIE DIGITAL SYSTEMS USA INC	10550 CAMDEN DRIVE	CYPRESS	CA	90630
CLEVENGER CONTRACTORS INC	NAPLES LANE RR1 PO BOX 19	BLUFFS	IL	62621
CLIFFORD LEE & ASSOCIATES	292 MELVIN HARRIS RD	MANCHESTER	GA	31816
COAST TO COAST BUILDERS INC	750 E FUNSTON	WICHITA	KS	67211
COASTAL GUNITE CONSTRUCTION CO	16 WASHINGTON ST	CAMBRIDGE	MD	21613
COLE RAYWID & BRAVERMAN LLP	1919 PENNSYLVANIA AVE NW	WASHINGTON	DC	20006
COLLECTOR WELLS INTERNATIONAL INC	6360 HUNTLEY RD	COLUMBUS	OH	43229
COMMERCIAL CONTRACTING CO OF SAN AN	5797 DIETRICH RD	SAN ANTONIO	TX	78219
COMMERCIAL CONTRACTORS INC	729 LINCOLN AVE	HOLLAND	MI	49423
COMO TECH INSPECTIONS INC	40 DEEP CREEK RD	MANHATTAN	KS	66502
CONSTRUCTION MANAGEMENT INC	108 JACKMAN ST	GEORGETOWN	MA	01833
CONSTRUCTORS INC	P O BOX 46417	BATON ROUGE	LA	70895
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	48881
COOPERS STEEL FABRICATORS	503 N HILLCREST DR	SHELBYVILLE	TN	37162
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORONA POWER SERVICES INC	5220 MINOLA DR	LITHONIA	GA	30038
CORONADO INC	1835 WALL ST	SALINA	KS	67401
COST OF WISCONSIN INC	4201 HWY P	JACKSON	WI	53037
COWARTS CONSTRUCTION COMPANY INC	223 AIRPORT RD	SALEM	AR	72576
CRANE CONSTRUCTION COMPANY LLC	343 WAINWRIGHT DR	NORTHBROOK	IL	60062
CREEK ELECTRIC INC	2811 W PAWNEE ST	WICHITA	KS	67213
CRONISTER & COMPANY INC	FORBES FIELD BL 281 UNT E	TOPEKA	KS	66619

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CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CUST O FAB FIELD SERVICE LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUST O FAB TANK SERVICES LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUSTOMER CARE SOLUTIONS	1 IRVINGTON CTR 700 KING	ROCKVILLE	MD	20850
CUTCO INC	RR 1 BOX 121	WYOMING	IL	61491
D & D PIPELINE CONSTRUCTION CO INC	4700 W HWY 117	SAPULPA	OK	74066
DALRYMPLE & CO	3675 S NOLAND RD STE 102	INDEPENDENCE	MO	64055
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DAVCO CORPORATION OF TENNESSEE	5384 POPLAR AVE STE 501	MEMPHIS	TN	38119
DAVE OSBORNE CONSTRUCTION CONTRACTI	15600 28TH AVE N	PLYMOUTH	MN	55447
DAVID A NICE BUILDERS INC	4571 WARE CREEK ROAD	WILLIAMSBURG	VA	23188
DAVIS ELECTRICAL CONSTRUCTORS INC	429 N MAIN ST	GREENVILLE	SC	29602
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DDD COMPANY	8000 CORPORATE DR STE 100	LANDOVER	MD	20785
DELCO ELECTRIC INC	7615 N CLASSEN BLVD	OKLAHOMA CITY	OK	73116
DELPHI AUTOMOTIVE SYSTEMS HUMAN RESOURCES LLC	P O BOX 62410	PHOENIX	AZ	85082
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND ELECTRIC SERVICE INC	21325 W 105TH ST	OLATHE	KS	66061
DIAMOND SURFACE INC	13792 REIMER DR N	MAPLE GROVE	MN	55311
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIMENSIONAL TECHNOLOGY INC	6717 LINDEN LN	HUNTLEY	IL	60142
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST	TOPEKA	KS	66609
DOBSON DAVIS COMPANY	8521 RICHARDS RD	LENEXA	KS	66215
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DON BELL HOMES INC	11599 N RIDGEVIEW	OLATHE	KS	66061
DONALD E MCNABB COMPANY INC	31250 S MILFORD RD	MILFORD	MI	48381
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762
DUSTROL INC	GEN DEL	EL DORADO	KS	67042
DW PROEHL CONSTRUCTION INC	818 N HELEN AVE	SIOUX FALLS	SD	57104
E80 PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFOREST	WI	53532
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
EDWARD KRAEMER & SONS INC	ONE PLAINVIEW RD	PLAIN	WI	53577
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ELLIOTT ELECTRICAL INC	P O BOX 1039	BENTON	AR	72015
EMCO CHEMICAL DISTRIBUTORS INC	2100 COMMONWEALTH AVE	NORTH CHICAGO	IL	60064
EMPLOYEE RESOURCE ADMINISTRATION LP	10501 N CENTRAL EXPY #101	DALLAS	TX	75231
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENERGY SYSTEMS GROUP LLC	101 PLAZA E BLVD 320	EVANSVILLE	IN	47715
ENTERPRISE STAFF SOLUTIONS INC	81 PEYTON PKWY STE 102	COLLIERVILLE	TN	38017
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62984

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EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
FABCON INCORPORATED	6111 WEST HIGHWAY 13	SAVAGE	MN	55378
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALCON ELECTRIC INC	100 NORTH FIRST ST	CLARKSBURG	WV	26301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
FIBREBOND RESOURCES INC	1300 DAVENPORT DR	MINDEN	LA	71055
FISHEL COMPANY THE	1810 ARLINGATE LN	COLUMBUS	OH	43228
FJW GROUP INC	905 W MITCHELL	ARLINGTON	TX	76013
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FORD CONTRACTING CORP	1307 E COURT ST	DYERSBURG	TN	38024
GALACTIC TECHNOLOGIES INC	400 N LOOP 1604 E STE 210	SAN ANTONIO	TX	78232
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GARY SANDERS MASONRY	109 AVE F	WEST POINT	IA	52656
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220
GENE FRITZEL CONSTRUCTION COMPANY I	643 MASSACHUSETTS STE 300	LAWRENCE	KS	66044
GENE FRITZEL CONSTRUCTION SERVICES	628 VERMONT	LAWRENCE	KS	66044
GEOPIER FOUNDATION CO MIDWEST	6336 HICKMAN STE 203	DES MOINES	IA	50322
GFV CONSTRUCTION CO	4535 MEADOWVIEW DR	LAKELAND	FL	33810
GLEESON CONSTRUCTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GLENN H JOHNSON CONSTRUCTION CO	2521 GROSS POINT RD	EVANSTON	IL	60201
GOERLICH ROOFING INC	4400 HARRISON	QUINCY	IL	62301
GOLEY INC	P O BOX 309	DUPO	IL	62239
GORDONS ENHANCED TECHNOLOGY MARKETING INC	4500 RATLIFF LN #108	ADDISON	TX	75001
GRAHAM CONSTRUCTION COMPANY	500 LOCUST ST	DES MOINES	IA	50309
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GREAT SOUTH CONSTRUCTION CO INC	2500 HWY 31 SOUTH	PELHAM	AL	35124
GUS CONST CO INC	606 ANTIQUE COUNTRY DR	CASEY	IA	50048
H & H SYSTEMS & DESIGN INC	130 EAST MAIN ST	NEW ALBANY	IN	47150
H & M CONSTRUCTION CO INC	50 SECURITY DR	JACKSON	TN	38305
HANLIN RAINALDI CONSTRUCTION CORP	6610 SINGLETREE DR	COLUMBUS	OH	43229
HARBERT YEARGIN INC	105 EDINBURGH CR	GREENVILLE	SC	29607
HARDAWAY CONSTRUCTION CORP OF TENNE	615 MAIN STREET	NASHVILLE	TN	37206
HARMAN & SON CONSTRUCTION INC	1810 B EIGHTH AVE	FORT WORTH	TX	76110
HARNESS ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HEALTHLINE INC	2600 N CENTRAL AVE #1700	PHOENIX	AZ	85004
HEBER E COSTELLO INC	609 COSTELLO ROAD	OAK GROVE	LA	71263

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HEIDELBERG ENGINEERING INC	1499 POINSETTIA AVE #160	VISTA	CA	92081
HENDERSON ENGINEERS INC	8325 LENEXA DR STE 400	LENEXA	KS	66214
HENLEY CONSTRUCTION INC	2070 S HIGHWAY 65	HARRISON	AR	72602
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	4550 FORBES BLVD	LANHAM	MD	20706
HINRICHS GROUP INC THE	141 MARKET PL DR STE 105	FAIRVIEW HEIGHTS	IL	62208
HOFFMANN INC	6001 49TH ST S	MUSCATINE	IA	52761
HOGUE HORN & PASHMAN INC	922 MISSOURI	LAWRENCE	KS	66044
HOLIAN ASBSTS RMVL & ENCPSTN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZON GROUP INC	1325 N E BOND ST	PEORIA	IL	61603
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	PO BOX 1565	ABERDEEN	SD	57402
HUEGERICH CONSTRUCTION INC	512 N COURT	CARROLL	IA	51401
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUSTON CONTRACTING INC	25640 W 143RD ST	OLATHE	KS	66061
HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
I & I CONSTRUCTION INC	21050 N BRADY ST STE A	DAVENPORT	IA	52804
IBERVILLE INSULATIONS INC	11637 SUN BELT CT	BATON ROUGE	LA	70809
ILLINI MECHANICAL INC	1024 LOWRY	PITTSFIELD	IL	62363
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108
INDUSTRY SERVICES CO INC	5550 TODD ACRES DR	MOBILE	AL	36619
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INSTITUTE OF NUCLEAR POWER OPERATIONS	700 GALLERIA PKWY	ATLANTA	GA	30339
INTEC SERVICES INC	454 LINK LN	FT COLLINS	CO	80522
INTERSTATES CONSTRUCTION SERVICES INCORPORATED	1520 INDUSTRIAL PARK	SIOUX CENTER	IA	51250
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62896
IRBY CONSTRUCTION CO	817 S STATE ST	JACKSON	MS	39201
IVEY MECHANICAL CO A PARTNERSHIP	514 NORTH WELLS ST	KUSCIUSKO	MS	39090
IVF LABS LLC	2712 E SWASONT WAY	SALT LAKE CITY	UT	84117
J & J CONSTRUCTION & SUPPLY INC	1136 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
J W BUCK CONSTRUCTION CO INC	4103 FRANDFORD AVE	LUBBOCK	TX	79407
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JOHANSEN DRAINAGE & TILE	RT 1 BOX 152	RULO	NE	68431
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203

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JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6148 LEE HWY STE 200	CHATTANOOGA	TN	37421
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JULIAN CONSTRUCTION COMPANY	15521 W 110TH ST	LENEXA	KS	66219
K & M ELECTRICAL CONTRACTORS INC	940 COMMERCIAL SUITE B	ATCHISON	KS	66002
K & W COATING LLC	28898 HIGWAY 13	ELKADER	IA	52043
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEARNEY ELECTRIC INC	3609 E SUPERIOR AVE	PHOENIX	AZ	85040
KEELEY & SONS INC	5 LOISEL VILLAGE SHOP CTR	EAST ST LOUIS	IL	62203
KEITH AUSTIN	3001 WEDINGTON DR #106	FAYETTEVILLE	AR	72701
KELLEY DEWATERING & CONSTRUCTION CO	5175 CLAY AVENUE SW	WYOMING	MI	49548
KEOKUK CONTRACTORS INC	853 JOHNSON ST RD	KEOKUK	IA	52632
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KG MOATS & SONS	9515 US HWY 63	EMMETT	KS	66422
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KILIAN CORPORATION THE	608 S INDEPENDENCE	MASCOUTAH	IL	62258
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KINLEY CONSTRUCTION GROUP LP	4025 WOODLAND PK BLVD 410	ARLINGTON	TX	76013
KNICKERBOCKER CONSTRUCTION INC	4823 LAKEWOOD DR	NORWALK	IA	50211
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
KURISU INTERNATIONAL INC	11125 SW BARBUR BL	PORTLAND	OR	97219
L & L INSULATION & SUPPLY CO	3305 SE DELAWARE AVE	ANKENY	IA	50021
L E BELL CONSTRUCTION COMPANY INC	1226 COUNTY ROAD 11	HEFLIN	AL	36264
L LYON DISTRIBUTING INC	5555 ST LOUIS MILLS BLVD	HAZELWOOD (X2)	MO	63042
LAKE CONTRACTING INC	4650 STONE CHURCH RD	ADDIEVILLE	IL	62214
LARRY COX CONSTRUCTION	50 FORT COX RD	HEBER SPRINGS	AR	72543
LAW CO INC	345 RIVERVIEW ST	WICHITA	KS	67203
LEMAR CONSTRUCTION	2829 BRADY ST	DAVENPORT	IA	52803
LG SERVICES LLC	1500 INTERNATIONAL DR	SPARTANBURG	SC	29302
LH SOWLES CO	2813 BRYANT AVE S	MINNEAPOLIS	MN	55408
LIFE SAFETY INC	12428 VETERANS MEM PKWY	LAFAYETTE	AL	36862
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	2050 MARCONI DR STE 200	ALPHARETTA	GA	30005
LINAWEAVER CONSTRUCTION INC	719 GILMAN RD	LANSING	KS	66043
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT RD	BLACK RIVER FAL	WI	54615
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MANSION AMERICA LLC	100 NORTH PINE STREET	PITTSBURGH	KS	66762

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MARATHON BUILDERS INC	4144 N CENTRAL #660	DALLAS	TX	75204
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNEER DR	SPRINGDALE	AR	72764
MASCO CONTRACTOR SERVICE CENTRAL INC	2339 BEVILLE RD	DAYTONA BEACH	FL	32119
MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCCARTIN MECHANICAL CONTRACTOR INC	2999 PARKWAY DR	DECATUR	IL	62526
MCKITTRICK CONSTRUCTION	13283 BLUEJACKET	OVERLAND PARK	KS	66225
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MCPHERSON WRECKING INC	2333 BARTON RD	GRANTVILLE	KS	66429
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66086
METROPOLITAN PAVEMENT SPECIALISTS LLC	14012 GILES RD	OMAHA	NE	68138
MEYERS TURF FARMS INC	19055 METCALF	STILWELL	KS	66085
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MICRO PAVERS INC	127 FAUBER RD	E PEORIA	IL	61611
MID AMERICA ROOFING CONSTRUCTION &	1035 N 69 HWY	FRONTENAC	KS	66763
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDWEST CONSTRUCTION SYSTEMS INC	100 MAIN ST STE 504	LITTLE ROCK	AR	72201
MIDWEST PUMP & EQUIPMENT CO	2300 S 7TH ST	LINCOLN	NE	68502
MILLENNIUM BROKERAGE GROUP	611 COMMERCE ST S-2606	NASHVILLE	TN	37203
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLERS PRO CUT	6410 W 72ND TERR	OVERLAND PARK	KS	66204
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MISSION TO THE AMERICAS	2530 WASHINGTON ST	DENVER	CO	80205
MJM SERVICES INC	207 N 48TH ST	BELLEVILLE	IL	62223
MORRISSEY CONTRACTING CO	705 SOUTHMOOR PL	GODFREY	IL	62035
MOUNTAIN MECHANICAL CONTRACTORS INC	903 S SCHOOL	FAYETTEVILLE	AR	72701
MPH HOTELS INC	1801 MARTIN SPIRNGS DR	ROLLA	MO	65401
MULANAX ELECTRIC INC	404 W DORCUS ST	ROLAND	OK	74954
MULTIMAX INC	1441 MCCORMICK DR	LARGO	MD	20774
MUNIE COMPANY	1000 MILBOURN SCHOOL ROAD	CASEYVILLE	IL	62232
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
MUSTANG LINE CONTRACTORS INC	9105 N DIVISION ST STE A	SPOKANE	WA	99218
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	56082
NATIONAL ABATEMENT CORPORATION	3080 N CENTER RD	FLINT	MI	48519
NATIONAL CONSTRUCTION SERVICES INC	520 LANCASTER AVE	FRAZER	PA	19355
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48083
NEWTRON INC	8183 W EL CAJON DR	BATON ROUGE	LA	70815
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NILES INDUSTRIAL LLC	G3080 N CENTER RD	FLINT	MI	48506
NO FAULT INDUSTRIES INC	15556 PERKINS RD	BATON ROUGE	LA	70810

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NORTH COAST 88 INC	170 EAST MAIN ST	NORWALK	OH	44857
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1805 W MAIN ST	ASHLAND	WI	54806
NORTHLAND CONTRACTING INC	HIGHWAY 2 EAST	SHEVLIN	MN	56676
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NOVON CONSULTING CORP	10 SOUTH 5TH ST STE 835	MINNEAPOLIS	MN	55402
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OFALLON ELECTRIC COMPANY	P O BOX 488	OFALLON	IL	62269
ONEAL ELECTRIC SERVICE INC	3073 MERRIAM LN	KANSAS CITY	KS	66106
OSTROM PAINTING & SANDBLASTING INC	1110-8TH AVE	ROCK ISLAND	IL	61201
OVERCASH ELECTRIC INC	2106 CHARLOTTE HWY	MOORESVILLE	NC	28117
P & P CONSTRUCTION CO	1132 E LINCOLN ST	RIVERTON	IL	62561
PAIGE TECHNOLOGIES LLC	5305 PIN OAK LAND	SEDALIA	MO	65301
PBM CONCRETE INC	311 LOWELL AVE	ELK RIVER	MN	55330
PCL CONSTRUCTION SERVICES INC	2000 S COLORADO BLVD 2500	DENVER	CO	80222
PERMANENT PAVING INC	8900 INDIAN CREEK PKWY	OVERLAND PARK	KS	66210
PETERSON CONSTRUCTION	1929 W 2ND ST	WEBSTER CITY	IA	50595
PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50669
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PHARMANET INC	504 CARNEGIE CENTER	PRINCETON	NJ	08540
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912
PINNACLE CONSTRUCTION INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PIONEER GROUP INC	8600 JUNIPER LANE	PRAIRIE VILLAGE	KS	66207
PITTSBURG TANK & TOWER CO INC	515 PENNEL ST	HENDERSON	KY	42420
PLOWMAN CONSTRUCTION COMPANY INC	905 E PARK ST	OLATHE	KS	66061
PLUM RHINO CONSULTING LLC	1010 HUNTCLIFF STE 1350	ATLANTA	GA	30350
POWER OHMES CONSTRUCTION INC	33445 W 87TH CIRCLE	DE SOTO	KS	66018
PRECAST ERECTORS INC	3500 VALLEY VISTA DR	HURST	TX	76053
PRIMARY RESIDENTIAL MORTGAGE INC	829 E CAVENDISH CIRCLE	SANDY	UT	84094
PRO QUIP CORPORATION	8522 E 61ST ST	TULSA	OK	74133
PROGRESSIVE CONTRACTORS INC	14123 42ND ST NE	ST MICHAEL	MN	55376
PSF MECHANICAL INC	9322 14TH AVE SOUTH	SEATTLE	WA	98108
PULTE HOMES OF GREATER KANSAS CITY	8700 STATE LINE RD #309	LEAWOOD	KS	66206
PYRAMID CONTRACTORS INC	891 W IRONWOOD RD	OLATHE	KS	66061
PYRAMID ELECTRICAL CONTRACTORS INC	300 MONTICELLO PLACE	FAIRVIEW HEIGHTS	IL	62208
QUALITY AWNING & CONSTRUCTION CO	7937 SCHAEFER RD	DEARBORN	MI	48126
QUALITY TRANSPORTATION SERVICES INC	5220 S CAMERON ST	LAS VEGAS	NV	89118
QUOVADX INC	6400 S FIDDLERS GREEN CIR	ENGLEWOOD	CO	80111
R & R ELECTRIC INC	HWY 75 N PO BOX 181	BRECKENRIDGE	MN	56520
R IZOKAITIS CONSTRUCTION INC	14817 GRANT ST	OMAHA	NE	68116
R MESSNER CONSTRUCTION CO INC	3595 N WEBB RD #500	WICHITA	KS	67226

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
R N HARRIS CONSTRUCTION CO	3200 HASKELL AVE STE 140	LAWRENCE	KS	66046
RADIOLOGY STAFFING INC	13705 B ST	OMAHA	NE	68144
RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
REASONS CONSTRUCTION COMPANY INC	3825 EAST END DR	HUMBOLDT	TN	38343
REDDINGER CONSTRUCTORS INC	6301 OLD BOONVILLE HWY	EVANSVILLE	IN	47715
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL PLANNING & CONSTRUCTION INC	735 BIRCH AVE	BENSALEM	PA	19020
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
RFB CONSTRUCTION CO INC	3222 NW 160 HWY	CHEROKEE	KS	66724
RICHARD GOETTLE INC	12071 HAMILTON AVE	CINCINNATI	OH	45231
RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
RMP INC	PO BOX 16141	SHAWNEE	KS	66203
ROBERT W BRITZ PAINTING COMPANY INC	14272 FRAZEE RD	DIVERNON	IL	62530
ROGERS PREMIER UNLOADING SERVICES	3801 SUNSET AVE	ROCKY MOUNT	NC	27804
ROOF MAINTENANCE SERVICES INC	#8 COMMODORE DRIVE	BELLEVILLE	IL	62223
ROSE LAN CONTRACTORS INC	820 CHEYENNE AVE	KANSAS CITY	KS	66105
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
RUPP MASONRY CONSTRUCTION CO	1501 N 18TH STREET	QUINCY	IL	62301
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
RUSSIAN CONCRETE CONSTRUCTION	1133 S 205TH	PITTSBURG	KS	66762
RYAN FLOORS INC	305 CARL STREET	ROCKVILLE	MD	20851
S A COMUNALE CO INC	2900 NEWPARK DR	BARBERTON	OH	44203
S M STOLLER CORPORATION THE	990 S PUBLIC RD STE A	LAFAYETTE	CO	80026
SA SMITH ELECTRIC INC	525 JERSEY ST	QUINCY	IL	62301
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SAULSBURY ELECTRIC CO INC	5308 ANDREWS HWY	ODESSA	TX	79762
SCI GENERAL CONTRACTORS INC	4530 BARKSDALE BLVD STE C	BOSSIER CITY	LA	71112
SEAWARD CONSTRUCTION COMPANY INC	RT 236	KITTERY	ME	03904
SELECTEK INC	1000 MANSELL EXCHANGE W	ALPHARETTA	GA	30022
SERRAULT SERVICES OF KANSAS INC	7625 LAKESIDE AVE	MANHATTEN	KS	66502
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY 5-100	IRVING	TX	75063
SGT LTD I	3407 TORREY RD	FLINT	MI	48507
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHAY ROOFING INC	1999 S 59TH ST	BELLEVILLE	IL	62223
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SKYLIGHT MANUFACTURING INC	1208 ALDINE MAIL RD	HOUSTON	TX	77039
SOONER BUILDERS & INVESTMENTS INC	26005 E ADMIRAL	CATOOSA	OK	74015
SPARKS & WIEWEL CONSTRUCTION CO	6200 BROADWAY	QUINCY	IL	62301
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
SPINIELLO LIMITED INC	35 AIRPORT RD	MORRISTOWN	NJ	07962
SPORTS METALS INC	P O BOX 1338	PHENIX CITY	AL	36868
STANDARD ELECTRIC CO INC	2006 PRAIRIE CIRCLE DR	OLATHE	KS	66062
STELLAR GROUP INC	2900 HARTLEY RD	JACKSONVILLE	FL	32257
STORY ENTERPRISES INC	7735 WASHINGTON AVE STE G	KANSAS CITY	KS	66112
STRAUB CONSTRUCTION CO INC	10575 WIDMER	LENEXA	KS	66215
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203
STRUKEL ELECTRIC INC	1375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUMMIT CONTRACTORS INC	1900 SWOPE DR	INDEPENDENCE	MO	64055
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPERIOR FLOORS INC	3225 N PROSPECT RD	PEORIA	IL	61603
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SW FRANKS CONSTRUCTION CO	2070 WEST 3RD ST	CLEVELAND	OH	44113
SW HUFFMAN CONSTRUCTION INC	PO BOX 99	OTTUMWA	IA	52501
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
SYRSTONE INC	201 S MAIN ST	NORTH SYRACUSE	NY	13212
TAFT CONTRACTING CO INC	9000 W 67TH	HODGKINS	IL	60525
TANCO ENGINEERING INCORPORATED	1030 BOSTON AVE	LONGMONT	CO	80501
TEAM INOVIS INC	110 E WILSON BRIDGE RD	WORTHINGTON	OH	43085
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56031
TEFCO INC	11022 SAWMILL RD	ELBERFELD	IN	47613
TERRA ENGINEERING & CONSTRUCTION CORPORATION	2201 VONDRON RD	MADISON	WI	53718
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
TEXAS STONE & TILE INC	2683 LOMBARDY LN	DALLAS	TX	75220
THIEMS CONSTRUCTION CO INC	P O BOX 386	EDWARDSVILLE	IL	62025
THOMAS L BEAR CONSTRUCTION INC	14758 202ND ST	BLOOMFIELD	IA	52537
THOMPSON ELECTRIC COMPANY OF OMAHA	P O BOX 207	SIOUX CITY	IA	51102
TIC THE INDUSTRIAL COMPANY	40185 ROUTT COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TMI COATINGS INC	2805 DODD RD	EAGAN	MN	55121
TNT CONSTRUCTION CO INC	144 EASY ST	CAROL STREAM	IL	60188
TOAN INC	5320 SPEAKER ROAD	KANSAS CITY	KS	66106
TONTO CONSTRUCTION INC	HWY 16 W 78TH ST	MUSKOGEE	OK	74401
TOWER MECHANICAL SERVICES	2125 W 20TH AVE	OSHKOSH	WI	54904
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRAYLOR BROS INC	835 N CONGRESS AVE	EVANSVILLE	IN	47715
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRI STATE SIGNING	509 BAILEY AVE	NEW HAMPTON	IA	50659
TRIAGE CONSULTING GROUP	221 MAIN STREET STE 1450	SAN FRANCISCO	CA	94105

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
TRIDAQ INC	1011 LEAVENWORTH	OMAHA	NE	68102
TRIGON ENGINEERING INC	475 17TH ST STE 300	DENVER	CO	80202
TRILLION ENTERPRISES INC	9346 W COAL MINE AVE	LITTLETON	CO	80123
TSC OF KANSAS INC	2200 W 75TH ST STE 15	PRAIRIE VILLAGE	KS	66208
TULSA DYNASSPAN INC	1601 E HOUSTON ST	BROKEN ARROW	OK	74012
TWIN CITY POOLS INC	948 KANSAS AVE	KANSAS CITY	KS	66105
UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
UNIVERSAL LIMITED INC	932 ALTON PARKWAY	BIRMINGHAM	AL	35210
US ASPHALT CO	14012 GILES RD	OMAHA	NE	68138
US TOWER SERVICES INC	4545 SCOTT ALLEN DR	MISSOULA	MT	59803
VERSENT GROUP LLC	13608 W 95TH ST	LENEXA	KS	66215
VINTAGE SPORTS CARDS INC	410 S TRADE CNTR PKWY #A8	CONROE	TX	77385
VISU SEWER CLEAN & SEAL INC	W230 N4855 BETKER RD	PEWAUKEE	WI	53072
VLS SYSTEMS INC	9900 MAIN ST #304	FAIRFAX	VA	22031
VOLTEK INC	11635 SOUTH HOMESTEAD LAN	OLATHE	KS	66061
VON ALST INC	2416 SMELTING WORKS RD	SWANSEA	IL	62226
VON ROLL INC	3080 NORTHWOODS CIR STE 2	NORCROSS	GA	30071
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WACHTER ELECTRIC COMPANY	16001 W 99TH ST	LENEXA	KS	66219
WADE & ASSOCIATES INC	2500 W 6TH ST STE E	LAWRENCE	KS	66049
WALT WAGNER CONSTRUCTION INC	305 S 5TH ST	LEAVENWORTH	KS	66048
WALTER CONSTRUCTION USA INC	441 SW 41ST ST	RENTON	WA	98055
WALTERS EXCAVATING	24060 K 68 HWY	PAOLA	KS	66071
WASATCH ELECTRIC A DIVISION OF DYNA	1420 SPRING HILL RD SE500	MCLEAN	VA	22102
WEATHERCRAFT COMPANY OF GRAND ISLAND	312 NORTH ELM STREET	GRAND ISLAND	NE	68801
WEATHERCRAFT COMPANY OF LINCOLN	545 J ST	LINCOLN	NE	68508
WEBB ELECTRIC COMPANY	34375 W 12 MILE RD	FARMINGTON HILL	MI	48331
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WEITZ COMPANY LLC THE	400 LOCUST STE 300	DES MOINES	IA	50309
WELLS & WEST INC	VALLEY VILLAGE SHOPPING C	MURPHY	NC	28906
WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111
WESTERN CAROLINA PLUMBING	25 SANDTRAP RD	WAYNESVILLE	NC	28786
WESTERN SUMMIT CONSTRUCTORS INC	5470 VALLEY HWY	DENVER	CO	80216
WESTIN CONSTRUCTION COMPANY	10828 NESBITT AVE SO	BLOOMINGTON	MN	55437
WHITE MOUNTAIN CABLE CONSTRUCTION C	OLD DOVER RD	EPSOM	NH	03234
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WINTER CONSTRUCTION INC	1/4 M E ON 54 SOUTH	FORT SCOTT	KS	66701
WOODS CONSTRUCTION INC	6396 PRODUCT DRIVE	STERLING HEIGHTS	MI	48312
WORLEY CLAIMS SERVICE INC	4736 W NAPOLEAN AVE	METAIRIE	LA	70001
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
WS BOWLWARE CONSTRUCTION INC	3140 W BRITTON RD STE 204	OKLAHOMA CITY	OK	73120
YAZAKI EDS ENGINEERING INC	6800 HAGGERTY RD	CANTON	MI	48187
ZIMMERMAN CONSTRUCTION COMPANY INC	11005 W 126TH ST	OVERLAND PARK	KS	66213

Updated: 10/4/2004 9:23:06 AM

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF DISSOLUTION OF CORPORATION TO ALL
CREDITORS OF AND CLAIMANTS AGAINST
BY GEORGE, INC., a Missouri Corporation

On September 13, 2004, By George, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective September 13, 2004.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the Corporation, c/o Rotts & Gibbs, LLC, P.O. Box 7385, Columbia, Missouri 65205, Attention: William Rotts. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim was based occurred, and whether the corporation has been previously notified of the claim, and if so, when.

NOTICE: Because of the dissolution of By George, Inc., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the notice authorized by statute.

NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS
AGAINST McWILLIAMS PLATING CO., INC.

On August 12, 2004, McWilliams Plating Co., Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on August 12, 2004.

Said Corporation requests that all persons and organizations who have claims against it present them immediately by letter to the Corporation in care of David L. McMurray, 120 West 12th Street, Suite 1600, Kansas City, Missouri 64105. All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

All claims against said Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication date of this notice, or the publication date of any other notice required by law, whichever is later.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003) and 29 (2004). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 28 MoReg 1861
1 CSR 10-4.010	Commissioner of Administration		28 MoReg 1557		
1 CSR 15-3.350	Administrative Hearing Commission		29 MoReg 1048	29 MoReg 1600	
1 CSR 15-3.380	Administrative Hearing Commission		29 MoReg 1049	29 MoReg 1600	
1 CSR 15-3.420	Administrative Hearing Commission		29 MoReg 1049	29 MoReg 1600	
1 CSR 15-3.440	Administrative Hearing Commission		29 MoReg 1049	29 MoReg 1600	
1 CSR 15-3.480	Administrative Hearing Commission		29 MoReg 1050	29 MoReg 1601	
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		29 MoReg 1513		
1 CSR 20-5.025	Personnel Advisory Board and Division of Personnel		29 MoReg 1513		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health	29 MoReg 1417	29 MoReg 1437		
2 CSR 30-2.060	Animal Health				29 MoReg 1480
2 CSR 30-6.020	Animal Health	29 MoReg 1418	29 MoReg 1438		
2 CSR 70-40.015	Plant Industries		29 MoReg 1439		
2 CSR 70-40.025	Plant Industries		29 MoReg 1439		
DEPARTMENT OF CONSERVATION					
3 CSR 10-3.010	Conservation Commission		29 MoReg 1689		
3 CSR 10-4.110	Conservation Commission		29 MoReg 1689		
3 CSR 10-4.111	Conservation Commission		29 MoReg 1690		
3 CSR 10-4.113	Conservation Commission		29 MoReg 1690		
3 CSR 10-5.205	Conservation Commission		29 MoReg 1690		
3 CSR 10-5.215	Conservation Commission		29 MoReg 1691		
3 CSR 10-5.225	Conservation Commission		29 MoReg 1691		
3 CSR 10-5.430	Conservation Commission		29 MoReg 1691		
3 CSR 10-5.565	Conservation Commission		29 MoReg 1692		
3 CSR 10-5.579	Conservation Commission		29 MoReg 1692		
3 CSR 10-6.410	Conservation Commission		29 MoReg 1692		
3 CSR 10-6.415	Conservation Commission		29 MoReg 1692		
3 CSR 10-6.505	Conservation Commission		This Issue		
3 CSR 10-6.510	Conservation Commission		29 MoReg 1693		
3 CSR 10-6.525	Conservation Commission		29 MoReg 1693		
3 CSR 10-6.533	Conservation Commission		29 MoReg 1694		
3 CSR 10-6.535	Conservation Commission		29 MoReg 1694		
3 CSR 10-6.605	Conservation Commission		29 MoReg 1695		
3 CSR 10-6.610	Conservation Commission		29 MoReg 1695		
3 CSR 10-6.615	Conservation Commission		29 MoReg 1696		
3 CSR 10-7.410	Conservation Commission		29 MoReg 1291 29 MoReg 1696	This Issue	
3 CSR 10-7.427	Conservation Commission		29 MoReg 1696		
3 CSR 10-7.430	Conservation Commission		This Issue		
3 CSR 10-7.431	Conservation Commission		29 MoReg 1697		
3 CSR 10-7.438	Conservation Commission		This Issue		
3 CSR 10-7.440	Conservation Commission		N.A.	29 MoReg 1471	
3 CSR 10-7.450	Conservation Commission		29 MoReg 1091	29 MoReg 1472	
3 CSR 10-7.455	Conservation Commission		29 MoReg 1697		
3 CSR 10-8.510	Conservation Commission		29 MoReg 1697		
3 CSR 10-8.515	Conservation Commission		29 MoReg 1698		
3 CSR 10-9.105	Conservation Commission		29 MoReg 1698		
3 CSR 10-9.110	Conservation Commission		This Issue		
3 CSR 10-9.220	Conservation Commission		29 MoReg 1699		
3 CSR 10-9.240	Conservation Commission		29 MoReg 1699		
3 CSR 10-9.353	Conservation Commission		29 MoReg 1440		
3 CSR 10-9.425	Conservation Commission		29 MoReg 1699		
3 CSR 10-9.440	Conservation Commission		29 MoReg 1700		
3 CSR 10-9.442	Conservation Commission		N.A.	29 MoReg 1472	
3 CSR 10-9.565	Conservation Commission		29 MoReg 1440		
3 CSR 10-9.566	Conservation Commission		29 MoReg 1700		
3 CSR 10-9.570	Conservation Commission		29 MoReg 1700		
3 CSR 10-9.575	Conservation Commission		29 MoReg 1701		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-9.625	Conservation Commission		29 MoReg 1701		
3 CSR 10-10.705	Conservation Commission		29 MoReg 1701		
3 CSR 10-10.725	Conservation Commission		29 MoReg 1702		
3 CSR 10-10.732	Conservation Commission		29 MoReg 1702		
3 CSR 10-11.120	Conservation Commission		29 MoReg 1703		
3 CSR 10-11.125	Conservation Commission		29 MoReg 1703		
3 CSR 10-11.145	Conservation Commission		29 MoReg 1703		
3 CSR 10-11.150	Conservation Commission		29 MoReg 1704		
3 CSR 10-11.155	Conservation Commission		29 MoReg 1704		
3 CSR 10-11.180	Conservation Commission		This Issue		
3 CSR 10-11.182	Conservation Commission		This Issue		
3 CSR 10-11.183	Conservation Commission		This IssueR		
3 CSR 10-11.186	Conservation Commission		29 MoReg 1091	29 MoReg 1473	
			29 MoReg 1704		
3 CSR 10-11.187	Conservation Commission		29 MoReg 1705		
3 CSR 10-11.205	Conservation Commission		29 MoReg 1705		
3 CSR 10-11.210	Conservation Commission		29 MoReg 1706		
3 CSR 10-11.215	Conservation Commission		29 MoReg 1707		
3 CSR 10-12.109	Conservation Commission		29 MoReg 1707		
3 CSR 10-12.110	Conservation Commission		This Issue		
3 CSR 10-12.115	Conservation Commission		This Issue		
3 CSR 10-12.125	Conservation Commission		This Issue		
3 CSR 10-12.130	Conservation Commission		29 MoReg 1092	29 MoReg 1473	
3 CSR 10-12.135	Conservation Commission		29 MoReg 1708		
3 CSR 10-12.140	Conservation Commission		29 MoReg 1092	29 MoReg 1473	
			This Issue		
3 CSR 10-12.145	Conservation Commission		This Issue		
3 CSR 10-12.150	Conservation Commission		29 MoReg 1708		
3 CSR 10-12.155	Conservation Commission		29 MoReg 1092	29 MoReg 1473	
3 CSR 10-20.805	Conservation Commission		29 MoReg 1093	29 MoReg 1473	
			29 MoReg 1291	This Issue	
			This Issue		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 45-1.010	Athlete Agents	29 MoReg 1420	29 MoReg 1441		
4 CSR 60-1.025	State Board of Barber Examiners		This Issue		
4 CSR 65-1.020	Endowed Care Cemeteries		29 MoReg 1161R		
4 CSR 65-1.030	Endowed Care Cemeteries		29 MoReg 1161		
4 CSR 65-1.050	Endowed Care Cemeteries		29 MoReg 1162		
4 CSR 65-2.010	Endowed Care Cemeteries		29 MoReg 1162		
4 CSR 90-2.010	State Board of Cosmetology		29 MoReg 1292		
4 CSR 90-2.020	State Board of Cosmetology		29 MoReg 1299		
4 CSR 90-2.030	State Board of Cosmetology		29 MoReg 1299		
4 CSR 90-4.010	State Board of Cosmetology		29 MoReg 1300		
4 CSR 90-13.010	State Board of Cosmetology		29 MoReg 1303		
4 CSR 100	Division of Credit Unions				29 MoReg 1480 29 MoReg 1608 29 MoReg 1764
4 CSR 110-2.085	Missouri Dental Board		29 MoReg 1162		
4 CSR 110-2.111	Missouri Dental Board		29 MoReg 1163	This Issue	
4 CSR 110-2.130	Missouri Dental Board		29 MoReg 890	29 MoReg 1601	
4 CSR 110-2.170	Missouri Dental Board		29 MoReg 1514		
4 CSR 110-2.180	Missouri Dental Board		29 MoReg 1514R		
4 CSR 110-2.181	Missouri Dental Board		29 MoReg 1515R		
4 CSR 110-4.010	Missouri Dental Board		29 MoReg 1515		
4 CSR 110-4.020	Missouri Dental Board		29 MoReg 1516		
4 CSR 110-4.030	Missouri Dental Board		29 MoReg 1527		
4 CSR 110-4.040	Missouri Dental Board		29 MoReg 1531		
4 CSR 120-2.060	Missouri Dental Board		29 MoReg 1542		
4 CSR 150-2.153	State Board of Registration for the Healing Arts		29 MoReg 781		
4 CSR 205-4.010	Missouri Board of Occupational Therapy		29 MoReg 1164	This Issue	
4 CSR 220-3.040	State Board of Pharmacy		29 MoReg 970	This Issue	
4 CSR 220-4.010	State Board of Pharmacy		29 MoReg 973	This Issue	
4 CSR 220-4.020	State Board of Pharmacy		29 MoReg 973R	This Issue	
4 CSR 230-1.010	State Board of Podiatric Medicine		29 MoReg 1444		
4 CSR 230-1.020	State Board of Podiatric Medicine		29 MoReg 1444		
4 CSR 230-1.030	State Board of Podiatric Medicine		29 MoReg 1444		
4 CSR 230-2.010	State Board of Podiatric Medicine		29 MoReg 1445		
4 CSR 230-2.020	State Board of Podiatric Medicine		29 MoReg 1446		
4 CSR 230-2.021	State Board of Podiatric Medicine		29 MoReg 1447		
4 CSR 230-2.022	State Board of Podiatric Medicine		29 MoReg 1447		
4 CSR 230-2.030	State Board of Podiatric Medicine		29 MoReg 1448		
4 CSR 230-2.041	State Board of Podiatric Medicine		29 MoReg 1450		
4 CSR 230-2.050	State Board of Podiatric Medicine		29 MoReg 1451		
4 CSR 230-2.065	State Board of Podiatric Medicine		29 MoReg 1452		
4 CSR 230-2.070	State Board of Podiatric Medicine		29 MoReg 1453		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.020	Public Service Commission		29 MoReg 717	29 MoReg 1474	
4 CSR 240-3.510	Public Service Commission		29 MoReg 717	29 MoReg 1474	
4 CSR 240-3.520	Public Service Commission		29 MoReg 718	29 MoReg 1474	
4 CSR 240-3.525	Public Service Commission		29 MoReg 721	29 MoReg 1474	
4 CSR 240-3.530	Public Service Commission		29 MoReg 724	29 MoReg 1475	
4 CSR 240-3.535	Public Service Commission		29 MoReg 727	29 MoReg 1475W	
4 CSR 240-3.560	Public Service Commission		29 MoReg 730	29 MoReg 1475	
4 CSR 240-3.565	Public Service Commission		29 MoReg 730	29 MoReg 1476	
4 CSR 240-32.060	Public Service Commission		28 MoReg 2147		
4 CSR 240-33.160	Public Service Commission		29 MoReg 732	29 MoReg 1601	
4 CSR 240-120.085	Public Service Commission		29 MoReg 1164		
4 CSR 240-120.135	Public Service Commission		29 MoReg 1167R		
4 CSR 240-121.185	Public Service Commission		29 MoReg 1167R		
4 CSR 240-123.075	Public Service Commission		29 MoReg 1167R		
4 CSR 240-123.095	Public Service Commission		29 MoReg 1167		
4 CSR 245-4.060	Real Estate Appraisers		29 MoReg 1170		
4 CSR 245-5.020	Real Estate Appraisers		29 MoReg 1173		
4 CSR 245-5.030	Real Estate Appraisers		29 MoReg 1175		
4 CSR 245-9.010	Real Estate Appraisers		29 MoReg 1175		
4 CSR 263-2.082	State Committee for Social Workers		29 MoReg 1175	This Issue	
4 CSR 263-3.010	State Committee for Social Workers		29 MoReg 1180	This Issue	
4 CSR 263-3.060	State Committee for Social Workers		29 MoReg 1180	This Issue	
4 CSR 263-3.080	State Committee for Social Workers		29 MoReg 1180	This Issue	
4 CSR 263-3.100	State Committee for Social Workers		29 MoReg 1181	This Issue	
4 CSR 263-3.120	State Committee for Social Workers		29 MoReg 1182	This Issue	
4 CSR 267-4.020	Office of Tattooing, Body Piercing and Branding		29 MoReg 1542		
4 CSR 270-4.042	Missouri Veterinary Medical Board		29 MoReg 1182	This Issue	
4 CSR 270-4.050	Missouri Veterinary Medical Board		29 MoReg 1183	This Issue	
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5 CSR 50-340.150	Division of School Improvement		This IssueR		
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5 CSR 50-345.100	Division of School Improvement		29 MoReg 1183		
5 CSR 50-345.200	Division of School Improvement		29 MoReg 1186		
5 CSR 60-100.050	Division of Career Education		29 MoReg 1709		
5 CSR 80-670.100	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.200	Teacher Quality and Urban Education		29 MoReg 1711		
5 CSR 80-800.220	Teacher Quality and Urban Education		29 MoReg 1711		
5 CSR 80-800.230	Teacher Quality and Urban Education		29 MoReg 1714		
5 CSR 80-800.260	Teacher Quality and Urban Education		29 MoReg 1715		
5 CSR 80-800.270	Teacher Quality and Urban Education		29 MoReg 1716		
5 CSR 80-800.280	Teacher Quality and Urban Education		29 MoReg 1717		
5 CSR 80-800.350	Teacher Quality and Urban Education		29 MoReg 1719		
5 CSR 80-800.360	Teacher Quality and Urban Education		29 MoReg 1721		
5 CSR 80-800.380	Teacher Quality and Urban Education		29 MoReg 1721		
5 CSR 80-800.400	Teacher Quality and Urban Education		29 MoReg 1725		
5 CSR 80-805.015	Teacher Quality and Urban Education		29 MoReg 791	29 MoReg 1605	
5 CSR 80-805.016	Teacher Quality and Urban Education		29 MoReg 793R	29 MoReg 1605R	
5 CSR 90-5.400	Vocational Rehabilitation		29 MoReg 1187		
5 CSR 90-5.460	Vocational Rehabilitation		29 MoReg 1187		
5 CSR 90-5.470	Vocational Rehabilitation		29 MoReg 1188		
5 CSR 90-7.010	Vocational Rehabilitation		29 MoReg 1051		
5 CSR 90-7.100	Vocational Rehabilitation		29 MoReg 1051		
5 CSR 90-7.200	Vocational Rehabilitation		29 MoReg 1052		
5 CSR 90-7.300	Vocational Rehabilitation		29 MoReg 1052		
5 CSR 90-7.310	Vocational Rehabilitation		29 MoReg 1053		
5 CSR 90-7.320	Vocational Rehabilitation		29 MoReg 1053		
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing	29 MoReg 963			
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7 CSR 10-17.010	Missouri Highways and Transportation Commission		28 MoReg 1563		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				This Issue
7 CSR 10-25.040	Missouri Highways and Transportation Commission		29 MoReg 1352		
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8 CSR 30-3.060	Division of Labor Standards		29 MoReg 1192	This Issue	
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9 CSR 10-5.200	Director, Department of Mental Health		29 MoReg 1054		
9 CSR 10-31.014	Director, Department of Mental Health	29 MoReg 1507	29 MoReg 1544		
9 CSR 30-3.201	Certification Standards		29 MoReg 1096		
9 CSR 30-3.202	Certification Standards		29 MoReg 1096		
9 CSR 30-3.204	Certification Standards		29 MoReg 1097		
9 CSR 30-3.206	Certification Standards		29 MoReg 1097		

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9 CSR 30-3.208	Certification Standards		29 MoReg 1099		
9 CSR 30-4.195	Certification Standards				29 MoReg 1323
9 CSR 45-2.015	Division of Mental Retardation and Developmental Disabilities	29 MoReg 1635	29 MoReg 1725		
9 CSR 45-5.020	Division of Mental Retardation and Developmental Disabilities		29 MoReg 1455R		
9 CSR 45-5.030	Division of Mental Retardation and Developmental Disabilities		29 MoReg 1455R		
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10 CSR 10-6.060	Air Conservation Commission		29 MoReg 974	29 MoReg 1756	
10 CSR 10-6.061	Air Conservation Commission		29 MoReg 1193		
10 CSR 10-6.110	Air Conservation Commission		29 MoReg 976	29 MoReg 1758	
10 CSR 10-6.120	Air Conservation Commission		29 MoReg 1196		
10 CSR 10-6.410	Air Conservation Commission		29 MoReg 985	29 MoReg 1760	
10 CSR 25-17.010	Hazardous Waste Management Commission		29 MoReg 794		
10 CSR 25-17.020	Hazardous Waste Management Commission		29 MoReg 795		
10 CSR 25-17.030	Hazardous Waste Management Commission		29 MoReg 796		
10 CSR 25-17.040	Hazardous Waste Management Commission		29 MoReg 797		
10 CSR 25-17.050	Hazardous Waste Management Commission		29 MoReg 803		
10 CSR 25-17.060	Hazardous Waste Management Commission		29 MoReg 810		
10 CSR 25-17.070	Hazardous Waste Management Commission		29 MoReg 810		
10 CSR 25-17.080	Hazardous Waste Management Commission		29 MoReg 817		
10 CSR 25-17.090	Hazardous Waste Management Commission		29 MoReg 824		
10 CSR 25-17.100	Hazardous Waste Management Commission		29 MoReg 830		
10 CSR 25-17.110	Hazardous Waste Management Commission		29 MoReg 830		
10 CSR 25-17.120	Hazardous Waste Management Commission		29 MoReg 831		
10 CSR 25-17.130	Hazardous Waste Management Commission		29 MoReg 832		
10 CSR 25-17.140	Hazardous Waste Management Commission		29 MoReg 832		
10 CSR 25-17.150	Hazardous Waste Management Commission		29 MoReg 833		
10 CSR 25-17.160	Hazardous Waste Management Commission		29 MoReg 839		
10 CSR 25-17.170	Hazardous Waste Management Commission		29 MoReg 839		
10 CSR 40-10.020	Land Reclamation Commission		29 MoReg 1303		
10 CSR 40-10.030	Land Reclamation Commission		29 MoReg 1304		
10 CSR 40-10.040	Land Reclamation Commission		29 MoReg 1305		
10 CSR 40-10.050	Land Reclamation Commission		29 MoReg 1306		
10 CSR 40-10.060	Land Reclamation Commission		29 MoReg 1307		
10 CSR 40-10.070	Land Reclamation Commission		29 MoReg 1308		
10 CSR 40-10.080	Land Reclamation Commission		29 MoReg 1311		
10 CSR 40-10.100	Land Reclamation Commission		29 MoReg 1313		
10 CSR 60-5.010	Public Drinking Water Program		29 MoReg 465	29 MoReg 1605	
10 CSR 90-2.020	State Parks		29 MoReg 1726		
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11 CSR 40-3.010	Division of Fire Safety	29 MoReg 1420R 29 MoReg 1420	29 MoReg 1455R 29 MoReg 1455		
11 CSR 40-5.065	Division of Fire Safety		29 MoReg 1100	29 MoReg 1760	
11 CSR 40-5.090	Division of Fire Safety		29 MoReg 1104	29 MoReg 1760	
11 CSR 40-6.020	Division of Fire Safety		This Issue		
11 CSR 40-6.025	Division of Fire Safety		This Issue		
11 CSR 40-6.031	Division of Fire Safety		This Issue		
11 CSR 40-6.033	Division of Fire Safety		This Issue		
11 CSR 40-6.040	Division of Fire Safety		This Issue		
11 CSR 40-6.075	Division of Fire Safety		This Issue		
11 CSR 40-6.080	Division of Fire Safety		This Issue		
11 CSR 45-1.100	Missouri Gaming Commission		29 MoReg 1464		
11 CSR 45-4.260	Missouri Gaming Commission		29 MoReg 1464		
11 CSR 45-5.150	Missouri Gaming Commission		29 MoReg 891	29 MoReg 1760	
11 CSR 45-5.180	Missouri Gaming Commission		29 MoReg 1246		
11 CSR 45-5.181	Missouri Gaming Commission		29 MoReg 1246		
11 CSR 45-5.290	Missouri Gaming Commission		29 MoReg 1247		
11 CSR 45-6.030	Missouri Gaming Commission		29 MoReg 891	29 MoReg 1761	
11 CSR 45-10.020	Missouri Gaming Commission		29 MoReg 894	29 MoReg 1761	
11 CSR 45-12.090	Missouri Gaming Commission		29 MoReg 1464		
11 CSR 50-2.311	Missouri State Highway Patrol	29 MoReg 1426	29 MoReg 1465		
11 CSR 50-2.320	Missouri State Highway Patrol	29 MoReg 1428	29 MoReg 1467		
11 CSR 75-1.010	Peace Officer Standards and Training Program		29 MoReg 1314		
11 CSR 75-13.010	Peace Officer Standards and Training Program		29 MoReg 1315		
11 CSR 75-15.010	Peace Officer Standards and Training Program		29 MoReg 1315		
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12 CSR 10-23.335	Director of Revenue		29 MoReg 1547		
12 CSR 10-23.375	Director of Revenue		29 MoReg 1547R		
12 CSR 10-23.465	Director of Revenue		29 MoReg 1547		
12 CSR 10-24.440	Director of Revenue		29 MoReg 1104	29 MoReg 1761	
12 CSR 10-25.040	Director of Revenue		29 MoReg 1315		
12 CSR 10-26.130	Director of Revenue		29 MoReg 1550R		
12 CSR 10-26.140	Director of Revenue		29 MoReg 1550R		
12 CSR 10-26.150	Director of Revenue		29 MoReg 1550R		

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12 CSR 10-26.160	Director of Revenue		29 MoReg 1550R		
12 CSR 10-25.170	Director of Revenue		29 MoReg 1551R		
12 CSR 10-103.210	Director of Revenue		29 MoReg 1551		
12 CSR 30-3.010	State Tax Commission		This Issue		
12 CSR 30-3.020	State Tax Commission		This Issue		
12 CSR 30-3.050	State Tax Commission		This Issue		
12 CSR 40-40.170	State Lottery		29 MoReg 1467		
12 CSR 40-40.270	State Lottery		29 MoReg 1467		
12 CSR 40-50.040	State Lottery		29 MoReg 1468		
12 CSR 40-85.170	State Lottery		29 MoReg 1468		
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13 CSR 35-80.010	Children's Division	29 MoReg 1636	29 MoReg 1729		
13 CSR 35-80.020	Children's Division	29 MoReg 1637	29 MoReg 1729		
13 CSR 40-2.375	Division of Family Services	29 MoReg 1089	29 MoReg 1104		
13 CSR 40-19.020	Division of Family Services	29 MoReg 1637	29 MoReg 1729		
13 CSR 40-110.020	Division of Family Services		29 MoReg 1554		
13 CSR 70-10.015	Division of Medical Services	29 MoReg 1155	29 MoReg 736 29 MoReg 1356	29 MoReg 1266	
13 CSR 70-10.080	Division of Medical Services	29 MoReg 1156	29 MoReg 1359		
13 CSR 70-15.110	Division of Medical Services	29 MoReg 1089 29 MoReg 1508	29 MoReg 1106 29 MoReg 1731	29 MoReg 1761	
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15 CSR 30-50.040	Secretary of State		29 MoReg 1054	29 MoReg 1606	
15 CSR 30-51.160	Secretary of State		29 MoReg 1362		
15 CSR 30-51.180	Secretary of State		29 MoReg 1055	29 MoReg 1606	
15 CSR 30-54.195	Secretary of State		29 MoReg 1055	29 MoReg 1606	
15 CSR 30-54.215	Secretary of State	29 MoReg 1428R 29 MoReg 1428	29 MoReg 1468R 29 MoReg 1468		
15 CSR 30-55.010	Secretary of State		29 MoReg 1056	29 MoReg 1606	
15 CSR 40-3.120	State Auditor	29 MoReg 1639R			
15 CSR 40-3.130	State Auditor	29 MoReg 1639			
15 CSR 40-3.140	State Auditor	29 MoReg 1651			
15 CSR 40-3.150	State Auditor	29 MoReg 1661			
15 CSR 40-3.160	State Auditor	29 MoReg 1673			
15 CSR 60-14.010	Attorney General	29 MoReg 1508	29 MoReg 1557		
15 CSR 60-14.020	Attorney General	29 MoReg 1509	29 MoReg 1557		
15 CSR 60-14.030	Attorney General	29 MoReg 1509	29 MoReg 1557		
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16 CSR 50-10.050	The County Employees' Retirement Fund		29 MoReg 1469		
16 CSR 50-10.070	The County Employees' Retirement Fund		29 MoReg 1247		
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19 CSR 20-3.080	Division of Environmental Health and Communicable Disease Prevention	29 MoReg 1510	29 MoReg 1560R 29 MoReg 1560		
19 CSR 20-20.010	Division of Environmental Health and Communicable Disease Prevention		29 MoReg 1733		
19 CSR 20-20.020	Division of Environmental Health and Communicable Disease Prevention		29 MoReg 1734		
19 CSR 30-20.015	Division of Health Standards and Licensure		29 MoReg 896	29 MoReg 1761	
19 CSR 30-20.021	Division of Health Standards and Licensure		29 Moreg 900	29 MoReg 1761	
19 CSR 30-60.010	Division of Senior Services and Regulation		This IssueR This Issue		
19 CSR 30-60.015	Division of Senior Services and Regulation		This Issue		
19 CSR 30-60.020	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-60.025	Division of Senior Services and Regulation		This Issue		
19 CSR 30-60.030	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-60.035	Division of Senior Services and Regulation		This Issue		
19 CSR 30-60.040	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-60.045	Division of Senior Services and Regulation		This Issue		
19 CSR 30-60.050	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-60.055	Division of Senior Services and Regulation		This Issue		
19 CSR 30-60.060	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-60.061	Division of Senior Services and Regulation		This Issue		
19 CSR 30-60.065	Division of Senior Services and Regulation		This Issue		
19 CSR 30-60.070	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-60.071	Division of Senior Services and Regulation		This Issue		
19 CSR 30-60.075	Division of Senior Services and Regulation		This Issue		
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19 CSR 30-60.090	Division of Senior Services and Regulation		This IssueR This Issue		
19 CSR 30-60.095	Division of Senior Services and Regulation		This Issue		
19 CSR 30-60.100	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-60.105	Division of Senior Services and Regulation		This Issue		
19 CSR 30-60.110	Division of Health Standards and Licensure		This IssueR		

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19 CSR 30-62.112	Division of Senior Services and Regulation		This IssueR This Issue		
19 CSR 30-62.120	Division of Senior Services and Regulation		This Issue		
19 CSR 30-62.122	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-62.125	Division of Senior Services and Regulation		This Issue		
19 CSR 30-62.130	Division of Senior Services and Regulation		This Issue		
19 CSR 30-62.132	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-62.140	Division of Senior Services and Regulation		This Issue		
19 CSR 30-62.142	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-62.150	Division of Senior Services and Regulation		This Issue		
19 CSR 30-62.151	Division of Senior Services and Regulation		This Issue		
19 CSR 30-62.152	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-62.162	Division of Senior Services and Regulation		This IssueR This Issue		
19 CSR 30-62.172	Division of Senior Services and Regulation		This IssueR This Issue		
19 CSR 30-62.182	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-62.192	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-62.202	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-62.212	Division of Health Standards and Licensure		This IssueR		
19 CSR 30-62.222	Division of Senior Services and Regulation		This IssueR This Issue		
19 CSR 30-62.224	Division of Senior Services and Regulation		This Issue		
19 CSR 30-62.226	Division of Senior Services and Regulation		This Issue		
19 CSR 30-62.228	Division of Senior Services and Regulation		This Issue		
19 CSR 30-62.230	Division of Senior Services and Regulation		This IssueR This Issue		
19 CSR 30-62.240	Division of Senior Services and Regulation		This Issue		
19 CSR 30-82.090	Division of Health Standards and Licensure		28 MoReg 2254		
19 CSR 30-83.010	Division of Health Standards and Licensure		29 MoReg 1567		
19 CSR 30-86.022	Division of Health Standards and Licensure		29 MoReg 1362		
19 CSR 30-89.010	Division of Health Standards and Licensure		29 MoReg 1568R		
19 CSR 30-90.010	Division of Health Standards and Licensure		29 MoReg 1569		
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19 CSR 30-90.040	Division of Health Standards and Licensure		29 MoReg 1574		
19 CSR 30-90.050	Division of Health Standards and Licensure		29 MoReg 1579		
19 CSR 30-90.060	Division of Health Standards and Licensure		29 MoReg 1581		
19 CSR 30-90.070	Division of Health Standards and Licensure		29 MoReg 1582		
19 CSR 30-90.080	Division of Health Standards and Licensure		29 MoReg 1587R		
19 CSR 60-50	Missouri Health Facilities Review Committee				29 MoReg 1480 29 MoReg 1608
19 CSR 60-50.300	Missouri Health Facilities Review Committee		29 MoReg 846	29 MoReg 1477	
19 CSR 60-50.400	Missouri Health Facilities Review Committee		29 MoReg 846	29 MoReg 1477	29 MoReg 1482
19 CSR 60-50.420	Missouri Health Facilities Review Committee		29 MoReg 847	This IssueW	29 MoReg 1482
19 CSR 60-50.450	Missouri Health Facilities Review Committee		29 MoReg 848	This IssueW	29 MoReg 1482
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20 CSR	Medical Malpractice				27 MoReg 415 28 MoReg 489 29 MoReg 505
20 CSR	Sovereign Immunity Limits				27 MoReg 41 27 MoReg 2319 28 MoReg 2265
20 CSR 10-1.020	General Administration		29 MoReg 1368		
20 CSR 200-2.100	Financial Examination		29 MoReg 849	29 MoReg 1606	
20 CSR 400-2.170	Life, Annuities and Health		29 MoReg 1755		
20 CSR 400-7.095	Life, Annuities and Health		29 MoReg 986	This Issue	
20 CSR 700-6.100	Licensing		29 MoReg 1587		
20 CSR 700-6.150	Licensing		29 MoReg 1590		
20 CSR 700-6.160	Licensing		29 MoReg 1593		
20 CSR 700-6.170	Licensing		29 MoReg 1597		
20 CSR 700-6.200	Licensing		29 MoReg 1597		
20 CSR 700-6.250	Licensing		29 MoReg 1598		
20 CSR 700-6.300	Licensing		29 MoReg 1598		

Emergency Rules in Effect as of November 15, 2004**Publication****Expires****Department of Agriculture****Animal Health**

- 2 CSR 30-2.010** Health Requirements Governing the Admission of Livestock, Poultry
and Exotic Animals Entering Missouri. 29 MoReg 1417 March 1, 2005
- 2 CSR 30-6.020** Duties and Facilities of the Market/Sale Veterinarian 29 MoReg 1418 March 1, 2005

Department of Economic Development**Athlete Agents**

- 4 CSR 45-1.010** Fees 29 MoReg 1420 March 7, 2005

Department of Elementary and Secondary Education**Missouri Commission for the Deaf and Hard of Hearing**

- 5 CSR 100-200.045** Temporary Restricted Certification in Education 29 MoReg 963 November 27, 2004

Department of Mental Health**Director, Department of Mental Health**

- 9 CSR 10-31.014** Waiver of Standard Means Test for Children in Need of
Mental Health Services 29 MoReg 1507 March 13, 2005

Division of Mental Retardation and Developmental Disabilities

- 9 CSR 45-2.015** Criteria for MRDD Comprehensive Waiver Slot Assignment 29 MoReg 1635 April 15, 2005

Department of Public Safety**Division of Fire Safety**

- 11 CSR 40-3.010** Fireworks—Licenses, Sales and Penalties 29 MoReg 1420 March 7, 2005
- 11 CSR 40-3.010** Fireworks—Licensing, Permits, Sales, Inspection, and Penalties 29 MoReg 1420 March 7, 2005

Missouri State Highway Patrol

- 11 CSR 50-2.311** Bumpers. 29 MoReg 1426 March 9, 2005
- 11 CSR 50-2.320** School Bus Inspection 29 MoReg 1428 March 9, 2005

Department of Social Services**Children's Division**

- 13 CSR 35-80.010** Residential Foster Care Maintenance Methodology 29 MoReg 1636 March 30, 2005
- 13 CSR 35-80.020** Residential Care Agency Cost Reporting System 29 MoReg 1637 March 30, 2005

Family Support Division

- 13 CSR 40-2.375** Medical Assistance for Families 29 MoReg 1089 December 27, 2004
- 13 CSR 40-19.020** Low Income Home Energy Assistance Program 29 MoReg 1637 April 1, 2005

Division of Medical Services

- 13 CSR 70-10.015** Prospective Reimbursement Plan for Nursing Facility Services. 29 MoReg 1155 December 15, 2004
- 13 CSR 70-10.080** Prospective Reimbursement Plan for HIV Nursing Facility Services . . . 29 MoReg 1156 December 15, 2004
- 13 CSR 70-15.110** Federal Reimbursement Allowance (FRA) 29 MoReg 1089 December 13, 2004
- 13 CSR 70-15.110** Federal Reimbursement Allowance (FRA) 29 MoReg 1508 March 18, 2005

Elected Officials**Secretary of State**

- 15 CSR 30-54.215** Accredited Investor Exemption 29 MoReg 1428 March 9, 2005
- 15 CSR 30-54.215** Accredited Investor Exemption 29 MoReg 1428 March 9, 2005

State Auditor

- 15 CSR 40-3.120** Calculation and Revision of Property Tax Rates 29 MoReg 1639 April 1, 2005
- 15 CSR 40-3.130** Calculation and Revision of Property Tax Rates by School Districts
Calculating a Separate Tax Rate for Each Sub-Class of Property 29 MoReg 1639 April 1, 2005
- 15 CSR 40-3.140** Calculation and Revision of Property Tax Rates by School Districts
that Calculate a Single Property Tax Rate Applied to All Property. 29 MoReg 1651 April 1, 2005
- 15 CSR 40-3.150** Calculation and Revision of Property Tax Rates by Political Subdivisions
Other Than School Districts Calculating a Separate Property Tax Rate
for Each Sub-Class of Property 29 MoReg 1661 April 1, 2005
- 15 CSR 40-3.160** Calculation and Revision of Property Tax Rates by Political Subdivision
Other Than School Districts that Calculate a Single Property Tax Rate
Applied to All Property 29 MoReg 1673 April 1, 2005

Attorney General

15 CSR 60-14.010	Definitions	29 MoReg 1508	March 10, 2005
15 CSR 60-14.020	Contract Procedures	29 MoReg 1509	March 10, 2005
15 CSR 60-14.030	Documentation of Legal Practice	29 MoReg 1509	March 10, 2005

Department of Health and Senior Services

Division of Environmental Health and Communicable Disease Prevention

19 CSR 20-3.080	Description of Persons Qualified to Perform Percolation Tests, Soils Morphology Examinations in Determining Soil Properties for On-Site Sewage Disposal Systems and Installation of On-Site Wastewater Treatment Systems	29 MoReg 1510	March 10, 2005
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**Executive
Orders****Subject Matter****Filed Date****Publication****2004**

04-01	Establishes the Public Safety Officer Medal of Valor, and the Medal of Valor Review Board	February 3, 2004	29 MoReg 294
04-02	Designates staff having supervisory authority over agencies	February 3, 2004	29 MoReg 297
04-03	Creates the Missouri Automotive Partnership	January 14, 2004	29 MoReg 151
04-04	Creates the Missouri Methamphetamine Education and Prevention Task Force	January 27, 2004	29 MoReg 154
04-05	Establishes a Missouri Methamphetamine Treatment Task Force	January 27, 2004	29 MoReg 156
04-06	Establishes a Missouri Methamphetamine Enforcement and Environmental Protection Task Force	January 27, 2004	29 MoReg 158
04-07	Establishes the Missouri Commission on Patient Safety and supercedes Executive Order 03-16	February 3, 2004	29 MoReg 299
04-08	Transfers the Governor's Council on Disability and the Missouri Assistive Technology Advisory Council to the Office of Administration	February 3, 2004	29 MoReg 301
04-09	Requires vendors to disclose services performed offshore. Restricts agencies in awarding contracts to vendors of offshore services	March 17, 2004	29 MoReg 533
04-10	Grants authority to Director of Department of Natural Resources to temporarily waive regulations during periods of emergency and recovery	May 28, 2004	29 MoReg 965
04-11	Declares regional state of emergency because of the need to repair electrical outages by various contractors, including a Missouri contractor. Allows temporary exemption from federal regulations	May 28, 2004	29 MoReg 967
04-12	Declares emergency conditions due to severe weather in all Northern and Central Missouri counties	June 4, 2004	29 MoReg 968
04-13	Declares June 11, 2004 to be day of mourning for President Ronald Reagan	June 7, 2004	29 MoReg 969
04-14	Establishes an Emancipation Day Commission. Requests regular observance of Emancipation Proclamation on June 19	June 17, 2004	29 MoReg 1045
04-15	Declares state of emergency due to lost electrical service in St. Louis region	July 7, 2004	29 MoReg 1159
04-16	Orders a special census be taken in the City of Licking	July 23, 2004	29 MoReg 1245
04-17	Declares that Missouri implement the Emergency Mutual Aid Compact (EMAC) agreement with the State of Florida	August 18, 2004	29 MoReg 1347
04-18	Accepts retrocession of federal jurisdiction over the St. Louis Army Ammunition Plant	August 25, 2004	29 MoReg 1349
04-19	Implements the EMAC with the State of Florida, activates the EMAC plan, and authorizes the use of the Missouri National Guard	September 10, 2004	29 MoReg 1430
04-20	Reestablishes the Poultry Industry Committee	September 14, 2004	29 MoReg 1432
04-21	Directs the creation of the Forest Utilization Committee within the Missouri Department of Conservation	September 14, 2004	29 MoReg 1434
04-22	Requests health care providers limit influenza vaccinations to high risk persons. Orders various actions by providers, Missouri Department of Health and Senior Services, and Attorney General's Office regarding influenza vaccine supply.	October 25, 2004	29 MoReg 1683
04-23	Creates the Forest Utilization Committee within the Missouri Department of Conservation. Supersedes and rescinds Executive Order 04-21	October 22, 2004	29 MoReg 1685
04-24	Rescinds Executive Order 03-15	October 22, 2004	29 MoReg 1687
04-25	Rescinds Executive Order 03-27	October 22, 2004	29 MoReg 1688
04-26	Authorizes Adjutant General to recognize Noncommissioned Officers with a First Sergeant's ribbon	November 1, 2004	This Issue
04-27	Closes state offices Friday November 26, 2004	November 1, 2004	This Issue

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03-01	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
03-08	Lists Governor's staff who have supervisory authority over departments	September 4, 2003	28 MoReg 1556

**Executive
Orders**

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03-09	Lists Governor's staff who have supervisory authority over departments	March 18, 2003	28 MoReg 633
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
03-11	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705
03-12	Declares disaster areas due to May 4 tornadoes	May 5, 2003	28 MoReg 950
03-13	Calls National Guard to assist in areas harmed by the May 4 tornadoes	May 5, 2003	28 MoReg 952
03-14	Temporarily suspends enforcement of environmental rules due to the May 4th [et al.] tornadoes	May 7, 2003	28 MoReg 954
03-15	Establishes the Missouri Small Business Regulatory Fairness Board	August 25, 2003	28 MoReg 1477
03-16	Establishes the Missouri Commission on Patient Safety	October 1, 2003	28 MoReg 1760
03-17	Creates the Governor's Committee to End Chronic Homelessness	October 8, 2003	28 MoReg 1899
03-18	Designates the Missouri State Highway Patrol within the Department of Public Safety as lead agency in state communications	December 10, 2003	29 MoReg 7
03-19	Creates the Public Safety Communications Committee	December 10, 2003	29 MoReg 9
03-20	Requires configuration of two-way radios used by agencies of the state of Missouri to include established interoperability channels as specified by the State Interoperability Executive Committee	December 10, 2003	29 MoReg 12
03-21	Closes state offices Friday, November 28 and Friday, December 26, 2003	October 24, 2003	28 MoReg 1989
03-22	Establishes the Missouri Sexual Offender Registration Task Force	December 10, 2003	29 MoReg 14
03-23	Adds the functions of a State Citizen Council to the Disaster Recovery Partnership	December 10, 2003	29 MoReg 16
03-24	Establishes the Governor's Commission on Hispanic Affairs	November 8, 2003	28 MoReg 2085
03-25	Requires state agencies to adopt cyber security policies and procedures. Designates the Office of Information Technology as principal forum to improve policies and procedures	December 10, 2003	29 MoReg 18
03-26	Reestablishes the Office of Information Technology as the mechanism for coordinating information technology initiatives for the state	December 10, 2003	29 MoReg 21
03-27	Use of Missouri products and services	December 2, 2003	28 MoReg 2209

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